

*Exhibit # 4*

Superior Court Re: Commonwealth v. Ibrahim Aly  
 CP - 51- CR- 0006077- 2013  
 2856 EDA 2013

England Bill of Middlesex, established by the Court of King's Bench to gain jurisdiction over cases in the remit of the Court of Common Pleas under Her Majesty Warrant and order of pay Fine or . Once the defendant was in custody the trespass complaint was dropped and other complainant would be substituted. the Court of Common Pleas and Court of Kings Bench were two of the central common law courts in England from the 13<sup>th</sup> century until their dissolution in 1875. in which the Common Pleas jurisdiction was over cases where the King had no further interest "

the United States of America Law is a Statutory Law , made by Legislatures through Legislation, the law " Statute" in Pennsylvania State is author only by Pennsylvania elective General Assembly, whom established rite be enforced by Court Order against any violation to the law Statute.

in the Matter of the Appeal Submitted to the Superior Court of Pennsylvania, Eastern District of Pennsylvania in which Mr Baker Karl summited to file in the Court in the Matter of Petition for Mr. Victor Rauch to withdrew as Counsel form representing Mr Ibrahim Aly

the Appellant Brief file Represented to the Superior Court was in the Name of Mr Robert Thomas, Represented by Owen W. Larrabee, Darl Baker, Ellen t. Greenlee, and Robert Thomas and Victor .

instated of Mr Aly name and his assign Lawyer on the Brief appeal, thereafter the Superior Court Opinion was for Mr Rober Thomas Case, but not for Mr Aly Case, furthermore Mr Aly never sing for those Counsel Name above, thereafter Superior Court issue its Opinion and Find Mr. Aly Guilty based on the Wrong Brief appellant Name, submitting by unknown Lawyer's instead of Mr Aly, theifore the Superior Court Opinion for Finding that Mr. Aly is Guilty is Moot and should not be affirmed.

Exhibit No. # 55555 .

inforce of case law Anders vs. California violated Mr. Aly as explaining:

In Ander's brief , the attorney who decides to withdraw the case must identify anything in record that might support the appeal, after that the court decides based on law Statue, the Common Pleas Court Cannot enforced the Defendant Lawyer Mr. Victor to testify against his Client and Prosecuting Him , instead of defending his Client right, that was not the Spirit of the United States Law in which Philadelphia Common Pleas Court Enforced in opposite to interpretation of the Original Statue .

Pennsylvania States Law Granted the right of the Defendant to choose his counsel to Terminated him and or to Fire his Council and also granted the, Defendant Right to Represented his case court " Pro Se

See Id. No. # Pennsylvania Rules of Appeal

Application for Extension of time to file Brief Pro Se requested in statements dated on May 19, 2014

Mr Victor Rauch violated Mr Aly right by File an Extension to File a Brief with the court Even in the Court filling Explain as Evidence that Mr Aly has Summiting a Request in Statement as a Proved to Represented his Case Pro Se without interference from Mr Victor Ruck, the Superior Court Violated Mr Aly Right by accepting Mr Victor Rauch Exchange to File a Brief after Mr Aly inform the Superior Court administration in written declaring that the fire lawyer Victor Rauch .

Superior Court Administration, inform Mr Aly that Mr Victor did not file for Extension of Time to file Mr Aly Brief that was 5 Pm on the Date of July 18, 2014 then Mr Aly submit in a written statement stated that :Mr. Aly fire Victor Rauch and Pre Se.

The Superior Court Administration Personal accepted Mr Victor Application to withdraw as Counsel after the Date and Hour of filling ended in Superior Court at 5pm on the date of July 18, 2014, no right granted to Superior Administration to accepted Mr. Victor Brief after 5 P.M and Court date to File ended on July 18, 2014. the Administration informed Mr aly that no one is summit a Brief in his Name. as explaining :

Superior Court of Philadelphia appeal cade No. #

Commonwealth v. Ibrahim Aly

CP- 51- CR- 0006077- 2013r

2856 EDA 2013

Mr Aly, submitted a Letter to Superior court Stated that Mr Aly, Fire His attorney Victor Rauch on the Date of May 19, 2014 because Mr Rauch fail to Submit his Brief

in time as requesting by the Superior Court and stated that Mr Aly will Pro se without an attorney. See Id No. # 52

1- Superior Court Violation to Accepted Mr Victor brief after Mr. Aly submitting a motion to Superior Court Stated That Mr. Aly pro se.

2- Mr Aly inform Mr Victor that only his Job is limited to file an appeal applications to the Court and Mr Aly will pro sea

the issue with United States of America Right to land due to Hudson's Bay violation to Charter law in which King Charles II limited Hudson's Bay Charter grant to Fur Trade and only in Hudson's Bay Basin, the issue with Mr Aly, He had set a limited to Mr Victor, to file a Superior Court appeal application without file a Brief in which MR. Victor violated, case No. EDA 2013 No. # 2856

in Attorney General Kane Case No. # MD 1424-2014 in Which the Supreme Court put Parameter's to Judge Carpenter and Judge Carpenter Violated the Supreme Court PARAMITER'S Order, no right to extend contract without permission from the Parties involving in contracting.

3- Mr Aly inform the Superior Court in written that Mr Aly is Pro se,

But the Superior Court violated Pro se

the Superior Court doesn't have any right to enforcement of Mr Victor brief appellant due to limited of contract in represented Mr. Aly

4- the Superior Court Judge Mound Dicky Sally Opinion based on in Mr Victor brief and denying Mr Aly brief, under Her Court Order in which Stated that no Right to grant Mr Aly pro se if he represented by a Lawyer, by Her Judgment only the Lawyer brief is accepted by the Superior Court rather than Mr Aly brief

that was a clear violation to Mr. Aly right to pro se after he fire his lawyer and limited His contract. violation to Right of defendant to appeal

5- Mr Victor violation to interpretation of Law in Anders brief which Mr Victor Stated in His VI. Argument No.(3) set forth counsel's conclusion that the appeal is

frivolous and No. ( 4) state counsel's reasons for concluding that the appeal is frivolous, Counsel should articulate the relevant facts of record, controlling case law, and or statutes on point that have led to the appeal is frivolous.

violation Id. No.# Anders v. California

" Upon granting leave to withdraw, the court shall determine whether new counsel is entering an appearance, new counsel is being appointed to represent the defendant, or the defendant is proceeding without counsel."

\*\*\*

Judge Diana unhalt Opinion to Superior Court Stated that " Appellant did admit to asking Mr. Radwan

for a thousand dollars that day"

Judge unhalt Statements is Part of Her Court Opinion is Wrong, because Appellant Mr. Aly never admit to asking Mr. Radwan for a thousand dollars that day.

Q. okay and did you ask him for \$ 1000 that deny

A. Never. I asked him on that date for \$ 1000

See Id. No N.T 9/12/13 p 8

Judge Dian Unhalt at Philadelphia Common Pleas trail Court violated Mr Aly Civil Right by Enforcing Mr Aly to be supervised under mental health unit in violation to his Constitution Right as Explain in Exhibit No:

Appellant's Pro Se Brief including discernable legal arguments supported by applicable law " the law of the land " and not only the trial court violation in determine the weight and credibility of the testimony at the trail when credit Mr. Radwan a federal convicted felony in which no right by law to make Mr. Radwn a witness on the stand Mr Radwan couldn't be a credible witness because the complainant prior record shoed his engagment in federal Criminal activity and the United States Department of Immigration charged Mr Radwan with felony and Perjury after Mr Rawians confess, Mr Radwan had been found guilty, detained, jailed and had been release on bail.

Second Mr. Radwan had comets second perjury in trail court of Common Pleas at Philadelphia under Judge Diana Unhalt opinion, Mr Radwan Testimony had been Credit during the Trail, Mr Radwn violated State of Pennsylvania, General Assembly, the law legislator Authority to State of Pennsylvania Under Voting Right Act is not only Protect but it is enforced by federal Law Enforcement in Accordance to the Supreme Law in the land

" the United States of America Constitution and the bill of Right" against any violation on United States Union Land after July 4, 2015 on the owner of the United States of America Chapter Land City of Philadelphia is Under the Right of Way Authority against any Corruption Public and or Private to the owner land, Declared the Independent form England to the Charter land of Railroad chapter Proprietor ship owned by Reading Company.

Mr Radwn is committing Perjury in trail Court as explain on Trail Court for Mr Radwan testimony:

Police Report Mr Aly ask Mr Radwan for 1000 to flay to Egypt ( 4\10\2013)

ID Q- He asked you for some money for a plain tiket to Correct ( N.T 5\07\2013 P.8-9)  
A- No He asked for for money and I'm the coming Christ

ID Q- do you remember given a statement to police (N.T 6\27\2013 P. 19)  
A- the same thing I said no

Police Report Q- has Ibrahim asked for money in the past ( 4\10\2013)  
A- three time before

ID Q- how many time prior to April 10 has he asked you for money (N.T 8\27\2013 P.14)  
A- Two Time

Police Report Mr Aly Punched Mr Radwan in the chaste ( 4\10\2013)  
ID Q- So, once, he never hit you or he did hit you, just yes or no sir ( N. T. 5\7\2013 P. 7)  
A- I don't know ( N. T. 5\7\2013 P. 7)

A- No response in question by Ms Veranica Wiliams	( N. T. 5\7\2013 P. 10) N.T. 8\27\2013 P. 15
Mr Radwan answer is "Don't even Speak English, I cannot even go to police station and put a report" in question by Ms. Sin	N.T. 5\7\2013 P. 9
Mr Radwan answer is " don't even speak English to call the cop "	

that was the court incredible witness and in which the trail court judge Daina Anhult opinion based on. the court of Common Pleas did abuse its discretion in ruling because there was no evidence and no credible witness who Committed Perjury.

Judge Anhalt J. Opinion Stated that; " Here, the court found that the testimony of Mr. Radwan was entirely reasonable and credible more so that the testimony of the appellant" Judge Anhalt opinion violated Federal Law for finding fact that Mr Radwan not a credible witness based on the fact which Commonwealth persecution and Judge opinion not taken in consideration based on law and fact but based on Mr Radwan the witness prior record showed that Mr Radwan commit a Federal Crimes which Mr Radwan charge felony and perjury in accordance to federal law Mr Mohamed had contest to his crime, found guilty, contained, jailed and release by federal immigration Authority the Common Pleas Court Judge Cannot change the fact on the ground that the Federal Perjury in which Mr Radwan Committed could not make him a credible witness on the Stand against Mr Ibrahim Aly the Hight United States decorative Law enforcement officer, Federal Railroad Chief of Police, owner of United States Charter land for the Commonwealth and Private States land, the owner of the City of Philadelphia "Revelation" , he who enforced the Supreme law of the land and inforce the Freedom and Independent from England on Julu4, 2015 and the end of the Bill of the Middlesex law

Since Mr. Radwan had violated the Federal Law, and had been charged with Perjury and felony then the Trail court in violation for not enforced Federal Law and was not free to credit the testimony of Radwan and disbelief the testimony of Mr Ibrahim .

Mr Radwan statements not bear of trust of reliability as a government witness on the stand the complainant had no credibility based on his Federal record toward law and order by the Federal government in which the Pennsylvania States is Part of the Federalize and the federal law enforced on the Court of Common Pleas .Philadelphia Charter Land Philly and Reading, the owner of the Northeastern Railroad Land, the Owner of federal Land and Title who grant to investigation of fraud and false claim tile. Mr Aly is the Federal Auditing General against Financial fraud. Mr Aly is the Owner to New York Chapter and Railway the Owner of Railroad, Grid system, telephone system and Gas Pipe line systems.

Judge Anhalt J. Opinion Stated that; " Here, the court found that the testimony of Mr. Radwan was entirely reasonable and credible more so that the testimony of the appellant Mr Aly " See Id no. # 2856 EDA 2013 judge Anhalt Opinion Page [5]

Judge Anhalt opinion based on Mr Radwan testimony as Credible witness however Mr Radwan, doesn't have any credibility as witness, Judge opinion not taken in consideration that Mr Radwan prior Federal record showed that He committed perjury, United States federal immigration Authority found Him guilty, Mr Radwan had contest to his crime,, detained, jailed and release on bill, Judge Anhalt Opinion violated Mr. Ibrahim Aly Right because Mr. Radwan had no credibility, that was before the Trail .

in accordance to Court file and Statement by Judge Diana Unholt stated that ;  
"That's the key to this . If you are successful then your probation can be non- reporting. if you are successful in the beginning, by staying away from the complainant . do you understand ! "  
See Id. 17, 18, 19, 20, 21, 22 trail September 12, 2013

Mr. Aly requesting a Probation hearing, but due to the Lack of Applications in Philadelphia Common Pleas Court Admiration , Mr. Aly filed 4 notice with the Office of Judge Unholt requesting a Court Hearing for the Matter of Mr Aly Right to a non-reporting probation, however Mr Aly never received a respond from the Court, Mr. Aly file a complaint with the Court Administration on the date of September 2, 2014 regarding His right to a Court Hearing in violation to Mr Aly Right =====

Mr. Aly, following a Court Order, had been Supervised under Probation for time up to 12 Month, Mr Aly, who aske the Court Judge for Liberty to United States land and Freedom to all Private Citizen including Him, however Judge Anholt enforced a Court Order as Stated that Mr. Aly be Supervision under a Mental Health with the assumption that Mr Aly is Creasy otherwise He will not be Supervised by Mental Health Unite. Court Opinion violated Mr Aly Civil Right.

Mr Aly had been arrested by Harrisburg Police While doing his Federal Investigating , Mr Aly send to Jail, and after 40 day's , Mr. Aly committed to Common Pleas Court, Under Judge Anholt proceeding , Mr Aly explain to Judge Anholt about His right in non-Reporting to Probation which was in the Court Order and granted to Mr. Aly on September 12, 2013 however Judge Anholt Said " I don't Said That " , Judge Anholt Deni Her Court Statement Under Oath. thereafter Judge Anholt Violation to Court Order of September 12, 2013 in which Mr Aly initial thereafter Mr. Aly deserved a relived.

Mr. Aly Never inform Court Judge of His ongoing Federal investigating due to the procedures of His Job and due to the secrecy of the ongoing investigation under Federal Seal,  
U.S.

#### Right of Way Authority

Reading Company Railroad Charters Chief of Police

Federal Land & Title Registry against Fraud and False Claim to Property Land and or Building.  
Federal Financial Auditing to Debts Public and Private due to the Financial Meltdown.

Reading Company, owner of Railroad Charter Land of Original 13 Commonwealth States and the Federal Privet Purchase in North America Continent, in which England Holding unlawfully Claim by God Save the Queen of England.

Mr Aly, the owner of Railroad Charters land in the City of Philadelphia, United States First Capital, and the owner to Washington D.C. Charter Railroad Land including the Right of Way, in which Mr. Aly is on ongoing duty to defend the Federal Capital Land, the Federal Union 50 Stars, and United States Federal Union Land against fraud and false Claim by the Privree of Great Britain under the District of Columbia Flag, the law of England Family Flag follow the law of England Law .

See Id. No. #

18 Pa. C.S. § 3921 (a) a person is guilty of [ receiving stolen property ]

18 Pa. C.S. § 3925 (a) a person is guilty if he intentionally receives, retains, or disposes of movable property of another knowing that it has been stolen

Mr Aly never Admit taken Money from the Complainant Mr Radwan, and the police never found Mr Aly receives, retains or disposes a movable property, Mr Radwan not presented any evidence at the trial except his word of mouth, since Mr Radwan is Committed perjury befor the trail in lie to United State Federal Government, theirafter He Cannot be a credible witness and since Mr.Radwan, lie by changing his testimony under oath at the trail theirafter Mr Radwan committed perjury, Had no credibility, there is no testimony to preserve, and to support Mr Aly conviction, Mr Aly, the Defendant deserve a relive. the Court of Middle Sex no longer enforced by her Majesty of the Bench warrant Court, the Court of fine in her Providence, Territorial, and dominion in North America after the enforcement of Declaration of Independence from England in the Second time in history July 4, 2015.

Judge Diana anholt Opinion to Superior Court Stated that " On October 21, 2013, this Court ordered Appellant to file a concise statement of the matters complained of on appeal pursuant to Rule 1925(b) of the Pa. R.A.P."

Mr Aly explaining in His brief to Superior Court that Mr. Aly is no longer under the Jurisdiction Of Philadelphia Common Pleas Court thereafter Mr. Aly is Not obligated to answer to Rule 1925(b) of the Pa. R.A.P, because it is not only violation to Court Jurisdiction ( Mr Aly is not Under the jurisdiction of two Court the Common pleas and the Superior at the Same time but Mr Aly only obligated to file brief appeal to Superior Court.

" On November 5, 2013, Appellant's counsel requested an extension of time to file a Supplemental 1925(b) and the court granted his request. Appellant did not file a 1925(b) Statement with the Court but rather on March 10, 2014 Counsel for Appellant notified the Court that he intends to file an Andres/Santiago brief in this case as there are no non- frivolous issues for appeal.

Mr Aly Contract with Mr. Victor is limited to file only an application of appeal and no not permitted Mr. Victor to file any other Statement or brief in which Mr. Victor violated the Contact term and in which the Superior Court violated Mr Aly Right to appeal in accepted Mr. Victor Brief while there is declaration by Mr. Aly filed in Superior Court instated that Mr Aly is Pro se and other filed instated that Mr. Aly [F]ire Mr. Victor. thefore the Superior Court Opinion Violated Mr. Aly:

- 1- the Right to Appeal
- 2- Contract Term with Mr Victor

The arrest warrant issue by Philadelphia Common Pleas Court is unconstitutional because Mr Aly was under the Jurisdiction of Philadelphia Municipal Court in which the Municipal Court Issue a Subpoena directed Mr. Aly for appearance on the Date of April 18, 2013 Time 12:58 am.

Stated to bring a notice with Me.

Common Pleas Court Violated Mr Aly Right, in issuing order of arrest, and arrested Mr. Aly on the Date of April, 17 2013 thereafter Common Pleas Court violation to Mr. Aly Right :

- 1- False Arrest
- 2- False Imprison

including an application from Lancaster County Common pleas Court instruction of proceeding in which County of Philadelphia Common Pleas Court violation to Pennsylvania Unified Court System, in Delaware County the Court Administration Had taken in Consideration to Correct the Violation of Federal employment Act in Mandating not less than a 15 % Minority work force out of the totality , plus other law violation, need to be updated.

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COURT OF COMMON PLEAS OF LANCASTER COUNTY, PA  
Standards for Courtroom Decorum

Attorneys always should bear in mind that they are officers of the court and they should conduct themselves accordingly

Violation in which Philadelphia Common Pleas Court enforced Mr. Victor, the Attorney for the defendant to be a Court Prosecution by Submitting a brief notified the Court that there are no non-frivolous issues for appeal.

Philadelphia Common Pleas Court violation to rule of law ,as explaining:

Rules of Criminal Procedure

2. Held by the arresting police department at a location designated by the Court as an approved Advanced Communication Technology Site for the purpose of video conferencing until preliminary arraignment is conducted by the assigned Duty Court Magisterial District Judge by video conference.

III. Required

B. Withdrawal of Appearance

1. Counsel for a defendant may not withdraw his or her appearance except by leave of court.

2. A motion to withdraw shall be:

a. filed with the clerk of courts, and a copy concurrently served on the attorney for the Commonwealth and the defendant; or

b. made orally on the record in open court in the presence of the defendant.

3. Upon granting leave to withdraw, the court shall determine whether new counsel is entering an appearance, new counsel is being appointed to represent the defendant, or the defendant is proceeding without counsel.

A. In all cases where a bench warrant is executed, the case shall proceed in accordance with the following procedures:

1. In all cases where the Defendant is lodged in the Lancaster County Prison pursuant to the bench warrant, the Warden or his designee shall notify the District Court Administrator within twelve hours of commitment.

2. After notice from the Warden or his designee, the District Court Administrator shall schedule a hearing within the time permitted by Pa.R.Crim.P. 150.

3. The District Court Administrator shall give prompt notice of the hearing to the Office of the Public Defender, District Attorney's Office, and the Clerk of Courts for Lancaster County. The District Attorney and Public Defender shall each assign an attorney for the hearing.

4. The daily Business Judge shall conduct hearings on bench warrants held pursuant to this Rule.

This Rule shall be effective for individuals detained on or after August 1, 2006.

Revised 6-30-06

**RULE 202. Approval of Search Warrant Applications by Attorney for the Commonwealth -The District Attorney**

\*\* Common Pleas Court, County of Philadelphia never implying this Rules as Lancaster County Common Plea Court did, First Mr. Aly had been Judge by the Bail Bond, under which Mr Aly never Granted His basic legal Right to an Attorney as Mandated by State statute, Federal Statute and Constitution Article====

and Mr Aly First Appearance is Granted with Judge theirafter the Judgment issued by Philadelphia Baill Bond violated due Prosess of Law.

Commonwealth of Pennsylvania Articale 1&9 provide as follows " in all criminal prosecution the accused has a right to be heard by himself and or by his council to demand the nature and case of the accusation against him, nor he be deported of his life liberty or property without the due process of law. Mr Aly never grant a right by the Bail bond nor by Philadelphia Municipal Court.

**RULE 530. Duties and Powers of a Bail Agency**

A. Pursuant to Pa.R.Crim.P. 530, the Court designates the Office of Bail Administration and Pre-Trial Services as the bail agency.

B. The bail agency, after investigating and concluding that a defendant is appropriate for release on bail, may present a motion to modify or reinstate bail. The bail agency may act on behalf of defendants who are incarcerated on bench warrants or who are unable to post the monetary amount of bail.

C. If the issuing authority sets bail which includes supervision by the bail agency, the issuing authority

shall require the defendant to complete the bail agency's supervision form.

**RULE 570B. Pretrial Conference**

**B. Information Provided at Pretrial Conference**

1. The general purpose of the pretrial conference is to apply and enforce the letter and spirit of Pa. R. Crim. P. 570, and the comments thereto, and to ascertain the information contemplated thereby, in order to determine the readiness of a criminal case for trial or the likelihood of and timeframe for a nontrial disposition. Accordingly, at the time of the pretrial conference, the parties shall be prepared to provide, at a minimum, the information enumerated in Pa. R. Crim. P. 570, and the official comment thereto.

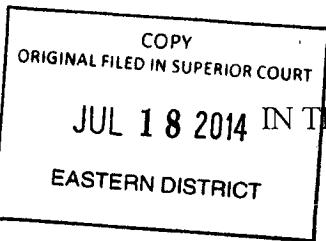
2. A Pretrial Conference Memorandum in the form approved by the President Judge shall be submitted to the court by the assigned attorney for the Commonwealth and by the defense attorney at the time of the pretrial conference. At the discretion of the court, a pro se defendant who intends to remain pro se throughout the pendency of the case may also be required to complete and submit a Pretrial Conference Memorandum.

3. A pro se defendant who has not yet retained legal counsel and does not intend to remain pro se throughout the pendency of the case shall advise the court at the Pretrial conference of the status of the defendant's efforts to secure legal representation. Absent compelling circumstances, a continuance to obtain legal representation shall not be granted more than once.4.The

**RULE 620. Waiver of Jury Trial**

A waiver of jury trial shall be in compliance with Pa.R.Crim.P. 620 and on the form provided by the District Attorney.

Philadelphia Common Pleas Court Violation to Pa.R.Crim.P. 620 in which the Form had been provide from the Public Attorney but not by the District Attorney, the Unified Court System is one System of rules and regulation does not defer from one Court to Other, a change in County location doesn't Change the State law System.



COMMONWEALTH OF PENNSYLVANIA : EDA 2013

VS. :

IBRAHIM ALY : No. 2856

PETITION TO WITHDRAW AS COUNSEL

TO THE PRESIDENT JUDGE AND JUDGES OF THE SUPERIOR COURT OF PENNSYLVANIA:

Victor Rauch, Assistant Defender, Owen W. Larrabee, Assistant Defender, Deputy Chief, Appeals Division, Karl Baker, Assistant Defender, Chief, Appeals Division, and Ellen T. Greenlee, Defender, appointed counsel for Robert Thomas, appellant in the captioned matter, request permission to withdraw as counsel in the captioned appeal and represent: *Violation*

1. The captioned appeal was filed by appellant from the judgment of sentence imposed on September 12, 2013, by the Honorable Diana Anhalt, of the Court of Common Pleas, on CP-51-CR-0006077-2013.

2. Counsel for appellant has made a conscientious examination of the record and has determined the appeal is wholly frivolous.

3. Counsel has notified appellant of his request to withdraw as counsel, furnished appellant with a copy of the petition to withdraw as counsel and the brief prepared by counsel, and advised appellant of his right to retain new counsel, proceed *pro se* and raise additional points that he may deem worthy of consideration. A copy of the letter to appellant is attached.

*Exhibit # 55555 Violation*  
*SUPERIOR Court, reject the appeal of IBRAHIM ALY*  
*not Robert Thomas, but not IBRAHIM ALY Appeal*

Respectfully submitted,



VICTOR RAUCH, Assistant Defender  
OWEN W. LARRABEE, Assistant Defender  
Deputy Chief, Appeals Division  
KARL BAKER, Assistant Defender  
Chief, Appeals Division  
ELLEN T. GREENLEE, Defender

**DEFENDER ASSOCIATION  
OF PHILADELPHIA**

1441 Sansom Street  
Philadelphia, PA 19102  
(215) 568-3190

ELLEN T. GREENLEE  
**DEFENDER**

July 18, 2014

Mr. Ibrahim Aly  
425 ½ N. Broad St.  
Philadelphia, PA 19123

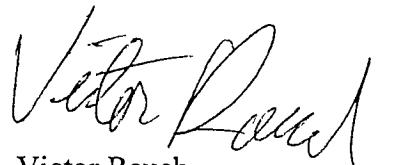
Re: Commonwealth v. Ibrahim Aly  
CP-51-CR-0006077-2013  
2856 EDA 2013

Dear Mr. Aly,

In accord with Commonwealth v. McClendon, 495 Pa. 467, 434 A.2d 1185 (1981), and Anders v. California, 386 U.S. 738 (1967), you are hereby informed that after making a conscientious examination of the record in your case, counsel has determined the appeal would be wholly frivolous and is filing a request to withdraw from further representation of you in the above-captioned matter.

You have the right to retain new counsel or to proceed *pro se*, and may raise any additional points that you may deem worthy of consideration, by writing directly to the Superior Court. A copy of the Anders – compliant brief is enclosed, as well as a copy of our petition to withdraw as counsel.

Sincerely,



Victor Rauch  
Assistant Defender  
Appeals Division

IN THE SUPERIOR COURT OF PENNSYLVANIA  
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA : EDA 2013

VS. :

IBRAHIM ALY : No. 2856

**PROOF OF SERVICE**

I hereby certify that I am this day, by personal service and/or fax, serving upon

HUGH BURNS  
CHIEF, APPEALS UNIT  
DISTRICT ATTORNEY'S OFFICE  
WIDENER BUILDING  
3 SOUTH PENN SQUARE  
PHILADELPHIA, PA 19107

a copy of the Petition to Withdraw as Counsel being filed in the above-captioned matter.

  
\_\_\_\_\_  
Victor Rauch, Assistant Defender  
Defender Association of Philadelphia  
1441 Sansom Street  
Philadelphia, PA 19102

Date: July 18, 2014

*Exhibit E*  
Page 13  
FILED  
09/19/2013 03:46:41 PM  
Post Trial Unit  
By: P. GRA

DEFENDER ASSOCIATION OF PHILADELPHIA  
BY: ELLEN T. GREENLEE, Defender and  
Veronica Williams, Assistant Defender

## RECEIVED

OCT 01 2013

Identification No. 00001  
1441 Sansom Street  
Philadelphia, Pa. 19102  
(215) 568-3190

ACTIVE CRIMINAL RECORDS  
CRIMINAL MOTION COURT

Attorney for Ibrahim Aly

A COPY OF THIS  
DOCUMENT HAS BEEN  
RECEIVED BY THE  
DISTRICT ATTORNEY

SIGNATURE \_\_\_\_\_

DATE

COMMONWEALTH OF PENNSYLVANIA	:	COURT OF COMMON PLEAS
	:	COUNTY OF PHILADELPHIA
V.	:	CRIMINAL TRIAL DIVISION
IBRAHIM ALY	:	CP-51-CR-0006077-2013
	:	CHARGES: Theft – Unlawful Taking
	:	M1, Receiving Stolen Property M1

ORDER

AND NOW, this 1 day of October, 2013, it is HEREBY ORDERED that a hearing be granted on the Motion for Reconsideration, to take place on the day of 2013, in Courtroom of the Criminal Justice Center.

*Denied Without a Hearing*

BY THE COURT:

*Diana L Anhalt*  
HONORABLE DIANA L. ANHALT

CP-51-CR-0006077-2013 Comm. v. Aly, Ibrahim  
Order Denying Motion for Reconsideration of Sentence



7073605891

What is the criminal motion court  
+ How the County never give the citizen right to  
Appeal and every one gets motion of Reconsidertion  
See how many (key)

*Exhibit The Court of Quarter Sessions it is  
#58. API in 2010 Violation Exhibit O FILE COPY*

Commonwealth of Pennsylvania  
Court of Common Pleas  
County of Philadelphia  
1st Judicial District



Release of Prisoner

FILE COPY

Commonwealth of Pennsylvania

v.

Ibrahim Aly

Philadelphia County Clerk of Quarter Sessions  
1301 Filbert Street  
TD1101  
Philadelphia, PA 19107

Docket No: CP-51-CR-0006077-2013  
OTN: N 857508-1  
DOB: 05/29/1960

Charge(s)

18 § 3701 §§ A1V (Lead)	Robbery-Take Property Fr Other/Force
18 § 3921 §§ A	Theft By Unlaw Taking-Movable Prop
18 § 3925 §§ A	Receiving Stolen Property

*Additional charges are listed on separate page.*

To the Warden/Director of House Of Corrections:

You are ordered/directed to release Ibrahim Aly on Docket No. CP-51-CR-0006077-2013 for the charges listed, for the following reasons:

Hearing to be held at:

Date:	Location:
Time:	

- Acquitted/Found Not Guilty by (Jury/Court)
- Case Dismissed
- Charges withdrawn by Prosecution
- When Bail is Posted
- Ibrahim Aly has been placed on (Probation/Parole)
- Other: SENTENCE:TIME SERVED TO 23 MONTHS. CREDIT TIME SERVED IMMEDIATE PAROLE. CONCURRENT 2 YEARS REPORTING PROBATION

This release does not apply to any other commitment, hold order, or detainer against Ibrahim Aly.

BY THE COURT:

*Diana L. Anhalt*

Date

Judge Diana L. Anhalt

*Exhibit A**page 13*

FILE COPY

Commonwealth of Pennsylvania  
v.  
Ibrahim Aly

IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY, PENNSYLVANIA

## CRIMINAL DIVISION

DOCKET NO: CP-51-CR-0006077-2013

DATE OF ARREST: 04/17/2013

OTN: N 857508-1

SID: 398-62-14-0

DOB: 05/29/1960

PID: 1123899

## ORDER

AND NOW, this 12th day of September, 2013, the defendant having been convicted in the above-captioned case is hereby sentenced by this Court as follows:

**Count 2 - 18 § 3921 §§ A - Theft By Unlaw Taking-Movable Prop (M1)**

To be confined for Time Served to 23 Months at County Prison.

The following conditions are imposed:

Credit for time served: Credit to be calculated by the Phila. Prison System

Immediate Parole: Defendant paroled immediately.

This sentence shall commence on 09/12/2013.

To be placed on Probation - County Regular Probation - for a maximum period of 2 Year(s) to be supervised by APPD-MENTAL HEALTH.

The following conditions are imposed:

Drug screens: To submit to random drug screens.

Mandatory Court Costs - Court Costs: Defendant is to pay imposed mandatory court costs.

Restitution: To make restitution of the fruits of his crime or to make reparation, for the loss or damage caused thereby.

~~Supervision - Supervision Under Mental Health Unit: Defendant to be supervised under the Mental Health Unit.~~

Stay Away Order: To stay away from victim(s).

This sentence shall commence on 09/12/2013.

**Count 3 - 18 § 3925 §§ A - Receiving Stolen Property - Merged with Ct. 2 - (M1)**CP-51-CR-0006077-2013 Comm. v. Aly, Ibrahim  
Order - Sentence/Penalty Imposed

7062858961

## LINKED SENTENCES:

Link 1

CP-51-CR-0006077-2013 - Seq. No. 2 (18§ 3921 §§ A) - Confinement is Concurrent with

CP-51-CR-0006077-2013 - Seq. No. 2 (18§ 3921 §§ A) - Probation

The defendant shall pay the following:

	Fines	Costs	Restitution	Crime Victim's Compensation Fund -	Total Due
Amount:	\$0.00	\$367.00	\$200.00	\$60.00	\$627.00
Balance Due:	\$0.00	\$367.00	\$200.00	\$60.00	\$627.00

*Diana L. Anhalt*

mlw

**First Judicial District of Pennsylvania**

51CR00060772013

Ibrahim Ali

Trial (Waiver) Volume 1  
August 27, 2013



Date  
Sign  
X  
Received

First Judicial District of Pennsylvania  
100 South Broad Street, Second Floor  
Philadelphia, PA 19110  
(215) 683-8000 FAX:(215) 683-8005

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credible  
Then He reachin my pocket

51CR00060772013  
Ibrahim AliTrial (Waiver) Volume 1  
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Page 1

[1] IN THE COURT OF COMMON PLEAS  
[2] FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
[3] CRIMINAL TRIAL DIVISION  
[4] —  
[5] COMMONWEALTH :  
[6] : vs. CP-51-CR-0006077-2013  
[7] :

[8] IBRAHIM ALI :  
[9] Courtroom 904, Criminal Justice Center  
[10] Philadelphia, Pennsylvania  
[11] —  
[12] Tuesday, August 27, 2013  
[13] —  
[14] BEFORE: THE HONORABLE DIANA ANHALT, J.  
[15] —  
[16] BIFURCATED WAIVER TRIAL VOL. I  
[17] —  
[18]

[19] APPEARANCES:  
[20] TRACY PALMER, ESQUIRE  
[21] Assistant District Attorney  
[22] For the Commonwealth  
[23] VERONICA WILLIAMS, ESQUIRE  
[24] Attorney for the Defendant  
[25]

[1] INDEX  
[2] COMMONWEALTH'S EVIDENCE  
[3] WITNESS DR. CR. RDR. RCR.  
[4] BIKHIT RADWAN 11 19 22  
[5] —  
[6] EXHIBITS  
[7] FOR IN  
[8] NO. DESCRIPTION IDENT. EVD.  
[9] (None presented.)  
[10] —  
[11] —  
[12] DEFENDANT'S EVIDENCE  
[13] WITNESS DR. CR. RDR. RCR.  
[14] (None presented.)  
[15] —  
[16] EXHIBITS  
[17] FOR IN  
[18] NO. DESCRIPTION IDENT. EVD.  
[19] (None presented.)  
[20] —  
[21] —  
[22] —  
[23] —  
[24] —  
[25]

Page 3

[1] COMMONWEALTH VS ALI  
[2] THE COURT: Before we do thus,  
[3] however, I think I should -- actually, I have  
[4] to give you this back. He has one more place  
[5] to initial on the third page.  
[6] And before we do the colloquy,  
[7] I'd like to -- well, first, we can do that and  
[8] then we'll address whatever motions Mr. Ali's  
[9] had.

[10] ---  
[11] (Brief pause.)  
[12] ---

[13] THE COURT: All right.  
[14] Ms. Williams, what motion does  
[15] defense have for me to take a look at before  
[16] we begin the trial.  
[17] MS. WILLIAMS: Your Honor, the  
[18] defendant has filed two pro se motions. The  
[19] first of which, I think, is a motion to  
[20] quash. Essentially because the Commonwealth  
[21] did not make out a prima facie case due to the  
[22] fact that the complainant is not a citizen of  
[23] the United States, so the Commonwealth does  
[24] not have the ability to go forward with this  
[25] case.

[1] COMMONWEALTH VS ALI  
[2] THE COURT: Okay.  
[3] And what is the other motion?  
[4] MS. WILLIAMS: And the second  
[5] motion was a bail motion.  
[6] THE COURT: Okay. All right.  
[7] So I'm going to hold off on the  
[8] bail motion until later because that doesn't  
[9] have to be addressed prior to beginning the  
[10] trial.

[11] Okay, Mr. Ali?  
[12] THE DEFENDANT: Okay.  
[13] THE COURT: And with respect to  
[14] your first motion, the beauty of this United  
[15] States of America is that the law protects  
[16] everybody.

[17] THE DEFENDANT: That's correct,  
[18] Your Honor.  
[19] THE COURT: All right.  
[20] And so people who are  
[21] immigrants or people who are in this country  
[22] legally or illegally --  
[23] THE DEFENDANT: Yeah, but under  
[24] the Constitution of the United States, the --  
[25] is not allowed anyone, whoever not citizen, or

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message

not the Court

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[1] COMMONWEALTH VS ALI

[2] not a legal resident.

[3] THE COURT: That is actually  
false. The law --[4] THE DEFENDANT: That's what the  
Constitution says.[5] THE COURT: No, it doesn't. I  
respectfully and wholeheartedly disagree with  
[6] your interpretation of the United States  
Constitution. I am proud of the fact that the  
[7] Constitution protects everyone. And people  
[8] have lost their lives fighting for it. So I  
[9] recognize everyone's right to be free of  
[10] crime.

[11] THE DEFENDANT: Sure.

[12] He has the right under the  
federal law, what he has. The constitution  
[13] give all the rights to everybody, and should  
never prevent anybody from not taking his  
[14] right. So he has the right -- anybody have  
right. And he have the right only to file,  
[15] not in a regular court to Philadelphia, but to  
file in a federal law. And that's in the  
[16] Constitution of the United States.

[17] THE COURT: Thank you.

Judge  
DIANA J.  
AN Hult

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[1] COMMONWEALTH VS ALI  
[2] THE DEFENDANT: None of them,

[3] no.

[4] THE COURT: Okay.  
I'm holding in my hand a  
[5] Written Jury Trial Waiver Colloquy. Did you  
[6] go over this with your attorney?[7] THE DEFENDANT: The attorney  
[8] she has the waiver of the trial form, so she  
[9] should know.[10] THE COURT: No. Did you talk  
[11] to her about it? I know she knows what it is,  
[12] but did you talk to her about it?[13] THE DEFENDANT: Yes, we talk.  
Like mostly -- like, we -- she said, like --[14] THE COURT: You don't have to  
[15] tell me what she said. I just want to make  
[16] sure you understand --[17] THE DEFENDANT: I understand  
[18] every word.[19] THE COURT: Perfect.  
And you signed this document on  
[20] the last page?

[21] THE DEFENDANT: Yes.

[22] THE COURT: And you did so

[1] COMMONWEALTH VS ALI

[2] THE DEFENDANT: You're welcome.

[3] THE COURT: All right.

[4] So, Mr. Ali, you also as --

[5] have the absolute constitutional right to have  
[6] a jury trial in this matter.[7] THE DEFENDANT: I waive my  
[8] right. I give it to the Court.

[9] THE COURT: Excellent. I

[10] appreciate that. I'm -- I have to ask you a  
[11] couple of questions regarding that right that  
[12] you're giving up. I want to make sure that  
[13] you understand the charges against you.[14] You're charged with robbery a  
[15] felony of the third degree. The maximum  
[16] penalty is seven years imprisonment and a  
[17] \$15,000 fine; two misdemeanors involving  
[18] theft, one theft by unlawful taking, one by  
[19] receiving stolen property. Those are  
[20] punishable five years in prison and a \$10,000  
[21] fine. And you're charged with simple assault,  
[22] a misdemeanor of the second degree, punishable  
[23] by two years in prison and \$5,000 fine.[24] Any questions about the charges  
[25] or the maximums that you face?

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[1] COMMONWEALTH VS ALI  
[2] THE DEFENDANT: None of them,

[3] no.

[4] THE COURT: Okay.  
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[18] every word.[19] THE COURT: Perfect.  
And you signed this document on  
[20] the last page?

[21] THE DEFENDANT: Yes.

[22] THE COURT: And you did so

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[1] COMMONWEALTH VS ALI  
[2] knowingly, intelligently, and voluntarily?

[3] THE DEFENDANT: Yes.

[4] THE COURT: Excellent.

[5] So then I will accept your  
[6] waiver of your jury trial rights and make a  
[7] finding that it's knowing, intelligent, and  
[8] voluntary. And we can proceed.

[9] THE DEFENDANT: Thank you.

[10] THE COURT: All right. Thank

[11] you.

[12] So would you like to waive

[13] formal arraignment and enter a plea of not  
[14] guilty on behalf of your client?[15] MS. WILLIAMS: That's correct,  
[16] Your Honor.

[17] THE COURT: Very well.

[18] Commonwealth, call your first  
[19] witness. And move for sequestration on both  
[20] sides.

[21] MS. PALMER: Commonwealth calls

[22] Radwan Bikhit.

[23] THE COURT CRIER: Remain  
[24] standing.

[25] Start with the probation

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[1] COMMONWEALTH VS ALI  
[2] officer, first --  
[3] THE COURT: No.  
[4] THE JUDICIAL STAFF: The  
[5] interpreter.  
[6] State your full name. Spell  
[7] your last name, your title for the record,  
[8] please.  
[9] THE INTERPRETER: My name is  
[10] Fathi Tounsi. The first name is F-A-T-H-I;  
[11] last name is T-O-U-N-S-I.  
[12] THE JUDICIAL STAFF: And your  
[13] title?  
[14] THE INTERPRETER: My title?  
[15] I'm the interpreter -- Arabic interpreter for  
[16] his language.  
[17] ---  
[18] (FATHI TOUNSI, Arabic  
[19] Interpreter, sworn.)  
[20] ---  
[21] THE JUDICIAL STAFF: Sir, I  
[22] need you to raise your right hand.  
[23] State your full name. Spell  
[24] your last name for the record.  
[25] MR. RADWAN: Radwan, Bikhit

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[1] COMMONWEALTH VS ALI  
[2] The last name is R-A-D-W-A-N.  
[3] ---  
[4] ... BIKHIT RADWAN, having  
[5] been duly sworn, was examined and testified as  
[6] follows:  
[7] ---  
[8] THE COURT: What's the first  
[9] name?  
[10] MS. PALMER: B-I-K-H-I-T.  
[11] THE COURT: Got it.  
[12] THE JUDICIAL STAFF: Sir, you  
[13] can have a seat.  
[14] The parties have been sworn,  
[15] Your Honor.  
[16] THE COURT: Thank you.  
[17] MS. PALMER: May I remain  
[18] seated, Your Honor?  
[19] THE COURT: You may.  
[20] MS. PALMER: Thank you.

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[1] COMMONWEALTH VS ALI  
[2] ---  
[3] COMMONWEALTH'S EVIDENCE  
[4] ---  
[5] DIRECT EXAMINATION  
[6] ---  
[7] BY MS. PALMER:  
[8] Q. Good afternoon. Thank you for your  
[9] patience today.  
[10] A. No problem.  
[11] Q. Sir, how are you currently employed?  
[12] A. My job?  
[13] Q. Yes.  
[14] A. I have two jobs. Daytime, I work in my  
[15] stand; and night time, I work for a supermarket.  
[16] Q. Okay.  
[17] And where is your stand located, sir?  
[18] A. Spring -- corner of Spring Garden and  
[19] Broad Street.  
[20] Q. And is that a newsstand, sir?  
[21] A. This is since 2005.  
[22] Q. Is that how long -- that's when you  
[23] opened it? 2005?  
[24] A. Yes.  
[25] Q. And it's a newsstand, correct?

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[1] COMMONWEALTH VS ALI  
[2] A. Yes.  
[3] Q. Okay.  
[4] And were you working at your newsstand  
[5] back on April 10th of this year, 2013?  
[6] A. Yes.  
[7] Q. And were you working at almost noon  
[8] around, 11:50 in the morning?  
[9] A. Before noon, a little bit before noon.  
[10] Q. Were you alone in the newsstand or were  
[11] you with somebody else?  
[12] A. Myself.  
[13] Q. Okay.  
[14] Do you usually work alone in the  
[15] newsstand?  
[16] A. Yes.  
[17] Q. And did you have any interaction that  
[18] day with anyone you see here in the courtroom  
[19] today?  
[20] A. That's him, Ibrahim. He came to me.  
[21] MS. PALMER: Indicating the  
[22] defendant at the bar of the court by name and  
[23] by point of finger.  
[24] BY MS. PALMER:  
[25] Q. And have -- prior to that day of April

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## [1] COMMONWEALTH VS ALI

[2] 10th, had you ever seen the defendant before?  
 [3] A. Yes. He used to make sandwiches like a  
 [4] block away from me.

[5] Q. How long have you known him for?

[6] A. Two years. Two years and a little bit.

[7] Q. Okay.

[8] What happened when you and the defendant  
 [9] interacted on April 10th?

[10] A. Before or that day?

[11] Q. That day. What happened on that day?

[12] A. He came to ask me for a thousand  
 [13] dollars. Then I said no. So he started insulting  
 [14] my father, my mother. Then he reach with his hand,  
 [15] I thought he was going to hit me, but actually he  
 [16] took the money out of my pocket.

[17] Q. Okay.

[18] Now, I want to back you up for a  
 [19] second. He asked you for a thousand dollars. Did  
 [20] he say why he needed a thousand dollars?

[21] A. It's not the first time he asked for  
 [22] that.

[23] Q. We'll get to that. But did he say why?

[24] Did he say why on that day he needed a thousand  
 [25] dollars?

Page 14  
 [1] COMMONWEALTH VS ALI  
 [2] A. To loan him from me. Give me a thousand  
 [3] dollars.

[4] Q. Okay.

[5] Has he asked for money before from you?

[6] A. Yes. Yes, because he needed for his

[7] message because he's telling me that he is the

[8] messenger of God. He is the common messenger of  
 [9] God.

[10] Q. How many times prior to April 10th has  
 [11] he asked you for money?

[12] A. Two times: Once when he -- first time  
 [13] came with the messenger of God story. Then the  
 [14] second time was to fix -- pretend to fix my  
 [15] electric.

[16] Q. Okay.

[17] And does he ask for different amounts of  
 [18] money or always a thousand dollars?

[19] A. Always a thousand dollars.

[20] Q. So on April 10th when he asked for a  
 [21] thousand dollars, what did you say?

[22] A. I told him I don't have. I told him

[23] what bring you to me over here. And I went to his  
 [24] family and I asked them to keep him away from me  
 [25] and they promised that they're going to keep him

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## [1] COMMONWEALTH VS ALI

[2] away from me. They told me that --

[3] MS. WILLIAMS: Objection, Your

[4] Honor. Objection to what the family told  
 [5] him.

[6] THE COURT: Overruled.

[7] You can keep going, sir.

[8] THE WITNESS: That's it.

[9] That's what happened. I told him go away,  
 [10] what bring you to me now. He insult my mom.

[11] He insult my father. He humiliate my  
 [12] relationship with my wife. Then he reach in  
 [13] my pocket. And I thought he was going to hit  
 [14] me. Then he was -- he was -- his intention to  
 [15] grab the money out of my pocket. And he

[16] always, like, telling me that I'm not -- I  
 [17] don't even speak English, so I'm not going to  
 [18] do nothing to him. I cannot even go to the  
 [19] police station and put a report. So I close  
 [20] the stand and I went to the police station.

[21] MS. PALMER: Okay.

[22] BY MS. PALMER:

[23] Q. I want to back up for a second.

[24] When the defendant reached out, you  
 [25] thought he was going to hit you. Which side was

Page 16  
 [1] COMMONWEALTH VS ALI

[2] that? Your right side or your left side?

[3] A. This one.

[4] THE COURT: Indicating for the  
 [5] record, the left breast pocket.

[6] Correct?

[7] THE WITNESS: Yes, the same  
 [8] pocket.

[9] BY MS. PALMER:

[10] Q. Okay.

[11] So you have a shirt on today that has a  
 [12] pocket on the left side. Was it a similar shirt to  
 [13] the one you're wearing today?

[14] A. The same design.

[15] Q. Okay.

[16] And is your money in your left breast  
 [17] pocket?

[18] A. Usually, I don't carry money in my  
 [19] pocket like that, but that day I was waiting for a  
 [20] cab driver, my friend. His name Wajih Zikry. And  
 [21] I always give him the money to buy me cigarettes  
 [22] for my stand from the south side.

[23] THE COURT: Please give me the  
 [24] name again. Spell it for the record, please.

[25] THE WITNESS: First name Wajih,

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[1] COMMONWEALTH VS ALI

[2] W-A-J-I-H; Zikry, Z-I-K-R-Y.

[3] THE COURT: Okay.

[4] How much money did you -- did  
[5] you have in your pocket?[6] THE WITNESS: Two hundred  
[7] dollars.

[8] BY MS. PALMER:

[9] Q. So, sir, after you realized that the  
[10] money had been taken from your pocket, what did you  
[11] do, if anything?[12] A. I went up to him. And I asked him it's  
[13] a shame to do stuff like this. So he started  
[14] insulting me, my -- insulting my mother, my  
[15] father. I was telling him that I'm going to call  
[16] the cops on him. He said whatever you want to do.  
[17] Go do it.[18] I have a question. What bring him to me  
[19] after we have promise from his family that he's not  
[20] supposed to get near my stand?[21] Q. Okay. I understand, sir, your  
[22] frustration.[23] Did the defendant say anything else to  
[24] you when you told him you were going to go to the  
[25] police?[1] COMMONWEALTH VS ALI  
[2] going to have a couple.

[3] ---

[4] CROSS-EXAMINATION

[5] ---

[6] BY MS. WILLIAMS:

[7] Q. Sir, on April 10th, it's your testimony  
[8] today that my client asked you for money to loan  
[9] him; is that right?[10] A. Yes. He asked me for a thousand  
[11] dollars. I told him why. He said give me a  
[12] thousand dollars.

[13] Q. Okay.

[14] And he asked you for a thousand dollars  
[15] to fly back to Egypt, didn't he?

[16] A. No.

[17] Q. Okay.

[18] Do you remember giving a statement to  
[19] police?

[20] A. The same thing I said now.

[21] Q. Okay.

[22] You gave a statement to the police on  
[23] the 10th the day of the incident, didn't you?[24] A. I don't remember, but it was the same  
[25] day.

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[1] COMMONWEALTH VS ALI  
[2] A. He said to me, you don't even speak a  
[3] couple words together in English. Go. Whatever  
[4] you want to do. Go do whatever you want to do.  
[5] Q. Now, sir, did you ever get that money  
[6] back?

[7] A. No.

[8] Q. And you went to the police that day?

[9] A. When I went to the police station, they  
[10] show me some pictures and they -- and I point on  
[11] that and I knew him. He was in the picture. And  
[12] they gave me a bunch of pictures and I knew -- and  
[13] one of the pictures was his.[14] Q. And was this on the same day that this  
[15] happened, sir?[16] A. The same day, they took me to a building  
[17] in Philly underground. They showed me an album of  
[18] pictures. And -- to find which one is which. And  
[19] I knew that his picture over there.[20] Q. Now, sir, you weren't injured at all  
[21] when he reached for the money, right?

[22] A. I cannot lie to you, no.

[23] Q. All right.

[24] Thank you, sir. I don't have any  
[25] questions for you right now anymore, but counsel's

Page 19

[1] COMMONWEALTH VS ALI

[2] Q. Okay.

[3] And do you remember signing that  
[4] statement?[5] MS. PALMER: I'll stipulate  
[6] that he said in the statement that the  
[7] defendant asked for a thousand dollars. It  
[8] says, "Ibrahim walked up to me and said give  
[9] me one thousand dollars. I asked for what.  
[10] He said to fly to Egypt."

[11] THE COURT: Okay.

[12] THE WITNESS: I don't care  
[13] about Egypt.

[14] BY MS. WILLIAMS:

[15] Q. Okay.

[16] After you said that you weren't going to  
[17] give him a thousand dollars, that's when you two  
[18] got into a verbal argument; is that correct?[19] A. After this, he started talking a lot of  
[20] bad things that I cannot -- it's a shame to bring  
[21] it up in a court for the respect of the Court as  
[22] I'm Palestinian and I'm not -- he humiliate me.

[23] Q. Okay.

[24] He cursed your mother and father, didn't  
[25] he?

Page 17

Page 18

Page 17

[1] COMMONWEALTH VS ALI  
[2] A. He said to me, you don't even speak a  
[3] couple words together in English. Go. Whatever  
[4] you want to do. Go do whatever you want to do.  
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[1] COMMONWEALTH VS ALI

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[11] THE COURT: Okay.

[12] THE WITNESS: I don't care  
[13] about Egypt.

[14] BY MS. WILLIAMS:

[15] Q. Okay.

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[1] COMMONWEALTH VS ALI  
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[1] COMMONWEALTH VS ALI

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Page 21

[1] COMMONWEALTH VS ALI  
 [2] A. Yeah. He insult my mother, my father.  
 [3] He insult my personality. He humiliate me. He  
 [4] call me even gay.  
 [5] Q. Okay.  
 [6] And in your culture, these things are  
 [7] serious insults, aren't they?  
 [8] A. Yes. It's more -- more important than  
 [9] money.  
 [10] Q. Okay.  
 [11] And you were upset that he said these  
 [12] things to you, weren't you?  
 [13] A. I'm still sick from hearing that word --  
 [14] these insults.  
 [15] Q. Okay.  
 [16] And you remember testifying at the  
 [17] preliminary hearing in this case, don't you?  
 [18] A. I don't say nothing out of -- besides  
 [19] what I say last time and this time. I don't have  
 [20] no problem with nobody.  
 [21] Q. That's right.  
 [22] And you told the judge at the  
 [23] preliminary hearing that you weren't -- that you  
 [24] weren't upset about the money here, right? Do you  
 [25] remember saying that?

Page 21

Page 22

[1] COMMONWEALTH VS ALI  
 [2] A. I was upset about the humiliation he did  
 [3] to me, not about the money.  
 [4] MS. WILLIAMS: I have no  
 [5] further questions.  
 [6] MS. PALMER: If I may?  
 [7] ---  
 [8] REDIRECT EXAMINATION  
 [9] ---  
 [10] BY MS. PALMER:  
 [11] Q. Sir, on the 10th, was this the first  
 [12] time the defendant said humiliating things to you?  
 [13] A. Yeah, it was the first time. He used to  
 [14] come before and tell me some stupid stories that if  
 [15] you want your land back, Palestine, you would not  
 [16] get your land back and some stories not -- it's  
 [17] funny if I say it. It really doesn't -- doesn't  
 [18] have -- I don't feel that I'm comfortable saying it  
 [19] over here in the court.  
 [20] Q. Okay.  
 [21] MS. PALMER: I have nothing  
 [22] further.  
 [23] THE COURT: Anything based on  
 [24] that?  
 [25] MS. WILLIAMS: I have nothing

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[1] COMMONWEALTH VS ALI  
 [2] based on that.  
 [3] THE COURT: Thank you,  
 [4] Mr. Radwan.  
 [5] THE WITNESS: I want to ask a  
 [6] question.  
 [7] THE COURT: I think you can ask  
 [8] the DA when you're finished and then we'll  
 [9] answer your question later.  
 [10] THE WITNESS: I don't want him  
 [11] to come near me. That's it.  
 [12] THE COURT: Okay. Thank you.  
 [13] THE WITNESS: Thank you.  
 [14] THE COURT: You're welcome.  
 [15] ---  
 [16] (Witness excused.)  
 [17] ---  
 [18] THE COURT: Commonwealth.  
 [19] MS. PALMER: Nothing further,  
 [20] Your Honor. I rest.  
 [21] THE COURT: Defense.  
 [22] MS. WILLIAMS: Your Honor, this  
 [23] is my motion for judgment of acquittal on the  
 [24] simple assault charge.  
 [25] MS. PALMER: No argument.

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[1] COMMONWEALTH VS ALI  
 [2] THE COURT: Granted.  
 [3] MS. WILLIAMS: Thank you, Your  
 [4] Honor.  
 [5] And that brings me to my side  
 [6] of the case. For the character issue, may I  
 [7] see you sidebar very briefly?  
 [8] THE COURT: Sure.  
 [9] ---  
 [10] (Discussion held off the  
 [11] record.)  
 [12] ---  
 [13] THE COURT: Okay.  
 [14] Do you want me to do -- do you  
 [15] think -- I think it's probably better --  
 [16] okay. I'm go to take over.  
 [17] Mr. Ali, so, your lawyer has  
 [18] informed me that she wanted to call character  
 [19] witnesses on your behalf, correct?  
 [20] THE DEFENDANT: Sure.  
 [21] THE COURT: And you and she  
 [22] have talked about this, correct?  
 [23] THE DEFENDANT: Yes.  
 [24] THE COURT: And she has asked  
 [25] you to provide phone numbers in your

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[1] COMMONWEALTH VS ALI  
 [2] telephone, which I believe -- you know where  
 [3] the phone is, Ms. Williams?

[4] THE DEFENDANT: My phone is  
 [5] right in my business because the time the  
 [6] police come, I wouldn't have no time to take  
 [7] anything, even my pants --

[8] THE COURT: Of course not.

[9] And your lawyer has told me  
 [10] that you do not wish to share those phone  
 [11] numbers?

[12] THE DEFENDANT: No, if I have  
 [13] it, I wish to share it. However, in the same  
 [14] time, he say he contacted three of my family.

[15] THE COURT: I'm not asking you  
 [16] about those facts. Do you want her to get  
 [17] those phone numbers?

[18] THE DEFENDANT: Yes. She can  
 [19] have the phone number.

[20] THE COURT: Okay.

[21] MS. WILLIAMS: But I believe,  
 [22] what he just stated was that his phone is in  
 [23] his property at his business. So I'm not sure  
 [24] how we would procure that.

[25] MS. PALMER: Does he have the

Page 26

[1] COMMONWEALTH VS ALI  
 [2] names of the people?  
 [3] THE DEFENDANT: The best way,  
 [4] he has a phone number for the three persons he  
 [5] said contact from my family, but he can get it  
 [6] out of him, and none of them he will say  
 [7] anything about.

[8] THE COURT: All right.

[9] Why don't we -- would you like  
 [10] to bifurcate then, so you can investigate the  
 [11] phone number issue?

[12] MS. WILLIAMS: Yes.

[13] THE COURT: Or you want to talk  
 [14] to Ms. Yunis (ph) about how we can best  
 [15] accomplish --

[16] MS. WILLIAMS: Well, I will  
 [17] talk to Ms. Yunis, first and foremost, before  
 [18] I make any determination.

[19] THE COURT: Okay. All right.

[20] And do you have the names of  
 [21] folks?

[22] THE DEFENDANT: Yeah.

[23] Yassir Amore (ph). He said the  
 [24] three, whoever he called, anyone, it doesn't  
 [25] make a difference to me.

Page 27

[1] COMMONWEALTH VS ALI

[2] THE COURT: All right.

[3] MS. PALMER: Can I make a  
 [4] request that we colloquy him on if these  
 [5] people would be able to come and speak on his  
 [6] behalf? Does he understand that's what's  
 [7] being asked?

[8] THE COURT: Would those people  
 [9] come into court for you?

[10] THE DEFENDANT: I wouldn't have  
 [11] no chance, like, no number to call anybody, so  
 [12] I --

[13] THE COURT: So if we called  
 [14] them, are they -- would they be willing to  
 [15] come in, you think?

[16] THE DEFENDANT: I won't give  
 [17] you assurance because it depends on the  
 [18] people --

[19] THE COURT: Okay. That's  
 [20] fair.

[21] THE DEFENDANT: Unless you  
 [22] voice -- write in a statement, I will call  
 [23] some other people and like some authorized  
 [24] write statement from whatever people you  
 [25] requested.

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[1] COMMONWEALTH VS ALI

[2] THE COURT: You got it. All  
 [3] right.

[4] So why don't we -- I think  
 [5] that's probably the better way to handle it.  
 [6] We'll just bifurcate for the defense's case.  
 [7] Okay.

[8] MS. WILLIAMS: Okay. Thank  
 [9] you.

[10] THE COURT: So we're going to  
 [11] try to get those phone numbers the best way we  
 [12] can. Unless you want a second? Okay.

[13] ---  
 [14] (Brief pause.)  
 [15] ---

[16] MS. WILLIAMS: All right.

[17] THE COURT: All right.

[18] THE JUDICIAL STAFF: Looking  
 [19] like two weeks, Judge?

[20] THE COURT: Two weeks.

[21] THE JUDICIAL STAFF: 9/13 or I  
 [22] could do 9/9.

[23] THE COURT: Whatever you want.

[24] THE JUDICIAL STAFF: 9/9.

[25] THE COURT: Okay.

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[1] COMMONWEALTH VS ALI  
 [2] Do you understand what's  
 [3] happening, Mr. Ali?  
**THE DEFENDANT:** Yes. Thank  
 [5] you.  
**THE COURT:** Fantastic.  
 [7] We'll give you a chance to call  
 [8] those witnesses. We're going to try to get  
 [9] the phone numbers.  
**THE DEFENDANT:** Sure.  
**THE COURT:** Okay.  
 See you back here on the 9th.  
**THE DEFENDANT:** So long.  
 ---  
 (Hearing adjourned.)  
 ---

*The Court*  
*Judge*  
*personas*  
*Lawyer*

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[1] C E R T I F I C A T I O N  
 [2] I hereby certify that the proceedings  
 [3] and evidence are contained fully and accurately in  
 [4] the notes taken by me on the trial of the above  
 [5] cause, and this copy is a correct transcript of the  
 [6] same.

[7]

[8]

[9]

[10]

[11]

---

Qadriyyah Taylor  
Court Reporter

[12]

[13]

[14]

[15]

[16]

[17]

[18] (The foregoing certification of  
 [19] this transcript does not apply to any reproduction  
 [20] of the same by any means unless under the direct  
 [21] control and/or supervision of the certifying  
 [22] reporter.)

[23]

[24]

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## [1] C E R T I F I C A T I O N

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Lawyer's Notes

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## First Judicial District of Pennsylvania

51CR00060772013

Ibrahim Aly

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Trial (Waiver) Volume 1  
September 12, 2013



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First Judicial District of Pennsylvania  
100 South Broad Street, Second Floor  
Philadelphia, PA 19110  
(215) 683-8000 FAX:(215) 683-8005

Pennsylvania Rules of Appellate Procedure

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September 12, 2013

Page 1

[1] IN THE COURT OF COMMON PLEAS  
 [2] FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 [3] CRIMINAL TRIAL DIVISION

[5]  
 [6] ---  
 [7]

[8] COMMONWEALTH :  
 [9] VS. :

[10] IBRAHIM ALY :CP-51-CR-0006077-2013

[11]  
 [12] ---

[13] September 12, 2013  
 [14] Courtroom 904, Criminal Justice Center  
 [15] Philadelphia, Pennsylvania

[16] ---  
 [17]  
 [18] ---

[19] BIFURCATED TRIAL/SENTENCING  
 [20] ---

[21] BEFORE: THE HONORABLE DIANA ANHALT, J.

Page 2

[1]  
 [2] APPEARANCES:  
 [3] TRACIE PALMER, ESQUIRE  
 Assistant District Attorney  
 [4] For the Commonwealth  
 [5] VERONICA WILLIAMS, ESQUIRE  
 MEGAN WILLIAMS, ESQUIRE  
 [6] Counsel for the Defendant

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Page 2

*Change  
the name*

Page 3

[1] INDEX  
 [2] COMMONWEALTH'S EVIDENCE  
 [3] WITNESS DIR. CR. REDIR. RECR.  
 [4] (None called.)  
 [5] EXHIBITS  
 [6] NUMBER DESCRIPTION FOR ID  
 [7] (None marked.)  
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 [23]  
 [24]  
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[1] COMMONWEALTH VS. ALY  
 [2] THE COURT: Okay. If we could go on  
 [3] the record?

[4] MS. PALMER: Your Honor, this was a  
 continuation of Commonwealth vs. Aly,  
 A-l-y, CP-51-CR-0006077-2013. The  
 Commonwealth has already rested its  
 case in chief.

[5] MS. WILLIAMS: And, Your Honor,  
 [6] before I begin my case, I would just  
 [7] like to explain. Again, this case was  
 [8] bifurcated so that I could attempt to  
 [9] track down character witnesses for my  
 [10] client.

[11] My client's phone is in his basement  
 [12] which I investigated and the basement  
 [13] is boarded up, and I actually was  
 [14] thinking about -- I actually was  
 [15] planning on going, at one time, to the  
 [16] basement to try to find the phone, but  
 [17] my supervisors informed me that that  
 [18] would be a bad idea.

[19] So, I spoke with the complainant.  
 [20] THE COURT: Did the complainant give  
 [21] you --

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[1] COMMONWEALTH VS. ALY  
 [2] MS. WILLIAMS: Yes. The complainant  
 [3] gave me a phone number. I called it  
 [4] and it was a wrong number and that was  
 [5] pretty much the only lead that I had.

[6] You know, I did try to track down a  
 [7] physical body to come in here and  
 [8] testify about my client's character.

[9] THE COURT: Okay. Thank you. I  
 [10] appreciate the effort.

[11] MS. WILLIAMS: And, Your Honor, the  
 [12] defense would call Ibrahim Aly.

[13] THE COURT: Okay. You can stay  
 [14] right where you are, Sir. Keep your  
 [15] hands up. Like the sheriff said, he  
 [16] tells you what you can do with your  
 [17] body, and whatever he says goes, okay?

[18] THE DEFENDANT: Yes.

[19] THE COURT: So you are already under  
 [20] oath. We swore you in the last time  
 [21] you were here.

[22] And you can proceed.

[23] MS. WILLIAMS: Thank you, Your  
 [24] Honor.

[25] Law - Copy

free

[1] COMMONWEALTH VS. ALY  
 [2] DIRECT EXAMINATION

[3] - - -  
 [4] BY MS. WILLIAMS:

[5] Q. Mr. Aly, what do you do for a living?  
 [6] A. I own a business at 425 North Broad Street  
 [7] in Philadelphia.

[8] Q. Okay. And 425 North Broad Street, the  
 [9] location of your business, is this how you know  
 [10] the complaining witness?

[11] A. Yes, it is.

[12] Q. And how long have you known him for?

[13] A. About two years.

[14] Q. Have you two had any altercations or  
 [15] anything like that in the past?

[16] A. Never.

[17] Q. Okay. Do you remember April 10th, of 2013?

[18] A. The date of the incident?

[19] Q. Yes.

[20] A. Yes.

[21] Q. What happened that day between you and the  
 [22] complainant, Bikhit?

[23] A. I went to the -- I was going to the Library  
 [24] of Philadelphia. So, while I'm walking, I say,  
 [25] "Hi, how are you?" I see him coming from out the

Page 7

Page 8

[1] COMMONWEALTH VS. ALY  
 [2] door, so there's a window side towards Spring  
 [3] Garden, towards the west. So I said, like, "Are  
 [4] you still hearing like sounds in your head?"  
 [5] Because he thinks I'm crazy. I don't like the  
 [6] way he told me I'm crazy, because I'm not crazy.

[7] I preach and I promote justice, and  
 [8] whatever, so he was like -- what I do, so he  
 [9] said, "Are you still crazy? I said "I'm not  
 [10] crazy." So I did curse at him because I'm not  
 [11] crazy. And he cursed at me back.

[12] I cursed at him, and he cursed at  
 [13] me, so when we come outside the door towards me  
 [14] and he pushed me, and I push him back and he have  
 [15] like, a glass bottle, and he said, "If you're not  
 [16] going to leave," I'm going to hit you with this  
 [17] glass bottle.

[18] It was a thin almost like -- 20, 25  
 [19] feet, and I start like close at him, because I  
 [20] never would let somebody I know for a couple  
 [21] years call me crazy. He pushed me and he  
 [22] threatened to hit me with the black bar, for ten  
 [23] minutes almost, ten minutes, he said I'm going to  
 [24] call the cops on you.

[25] I said "You have the right to

never  
said

[1] COMMONWEALTH VS. ALY  
 [2] explain yourself. I didn't do anything to break  
 [3] the law, and I don't do nothing. And he said,  
 [4] "Wait for the police." And I told him I didn't  
 [5] have to wait for the police. "I didn't do  
 [6] nothing here," and I didn't have to wait.

[7] Q. Okay. Mr. Aly, did you take \$200 from the  
 [8] complainant's pocket that day?

[9] A. Never in my life. Not take nothing from  
 [10] anybody in my life. Never I do that. That's not  
 [11] the way I raised, never ever.

[12] Q. Okay. And did you ask him for \$4,000 that  
 [13] day?

[14] A. Never. I asked him on that date for  
 [15] \$1,000. I did ask him like a couple of years  
 [16] ago, for \$1,000 and he said he's not going to  
 [17] leave the money. And I take my son, in that  
 [18] year, in 2011, I take my son and I went home with  
 [19] him.

[20] MS. WILLIAMS: I have no further  
 [21] questions.

[22] THE DEFENDANT: And I never see him,  
 [23] like before, like the first day I ever  
 [24] see him, almost one year. I never see  
 [25] him until one year.

prove I said

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[1] COMMONWEALTH VS. ALY  
 [2] That was the first day, almost one  
 [3] year.  
 [4] **MS. WILLIAMS:** Okay. No further  
 [5] questions.

[6] **THE COURT:** Thank you.  
 [7] **MS. PALMER:** May I, Your Honor?  
 [8] **THE COURT:** Yes.  
 [9] **MS. PALMER:** May I remain seated?  
 [10] **THE COURT:** Yes.  
 [11] **MS. PALMER:** Thank you.  
 [12] - - -  
 [13] CROSS-EXAMINATION  
 [14] - - -

**[15] BY MS. PALMER:**

[16] **Q.** Good afternoon, Sir.  
 [17] **A.** Good afternoon.  
 [18] **Q.** Sir, the diner that you own at Broad  
 [19] Street, that's not open anymore, correct?  
 [20] **A.** It's closed.  
 [21] **Q.** It's closed, right?  
 [22] **A.** Yea, I've been here, and I have a case, but  
 [23] a sheriff take me, so it's closed.  
 [24] **Q.** How long ago did the store close?  
 [25] **A.** Almost one year.

[1] COMMONWEALTH VS. ALY  
 [2] **Q.** One year ago, okay.  
 [3] And you don't live near where the  
 [4] store is, right?  
 [5] **A.** I did live there.  
 [6] **Q.** You used to live near where the store is?  
 [7] **A.** I live at 425 North Broad -- I mean, 351  
 [8] South Springfield Road, Clifton Heights, PA.  
 [9] **Q.** Okay. That's not close to the store,  
 [10] right?  
 [11] **A.** No. That's a half-an-hour.  
 [12] **Q.** Okay. You said you were going to the  
 [13] library that day?  
 [14] **A.** Yes.  
 [15] **Q.** Okay. And so you hadn't had any reason to  
 [16] deal with the complainant if you don't have a  
 [17] store where his cart is, right?  
 [18] **A.** Can you say that same question again,  
 [19] please?  
 [20] **Q.** You don't have any reason to deal with the  
 [21] complainant anymore because your store isn't  
 [22] where his food stand is?  
 [23] **A.** Uh, he always come and like we say "Hi" to  
 [24] each other, with each other.  
 [25] **Q.** Well, that's when your store was open,

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[1] COMMONWEALTH VS. ALY  
 [2] correct?  
 [3] **A.** Even if the store is not open, it's nothing  
 [4] for me to say "Hi" to anybody.  
 [5] **Q.** That's not what I'm asking, Sir.  
 [6] **A.** All right, go ahead.  
 [7] **Q.** So you said you preach law and justice; is  
 [8] that correct?  
 [9] **A.** Yes.  
 [10] **Q.** And you tell him all the time that you  
 [11] don't like where he's from, and you have  
 [12] conflicts about where he's from?  
 [13] **A.** No.  
 [14] **Q.** No. And you don't believe he has any  
 [15] rights to come to this country? →  
 [16] **A.** Everybody has the right. My message, is  
 [17] justice, liberty and freedom for everybody else.  
 [18] **Q.** Okay. But you brought a motion for this  
 [19] case, that it shouldn't be heard because he's not  
 [20] a United States citizen, correct?  
 [21] **A.** He has the right to -- any person born in  
 [22] the United States, or come from any other place  
 [23] in the United States, we have the same right as  
 [24] citizen in the United States.  
 [25] The United States is one of the most

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[1] COMMONWEALTH VS. ALY  
 [2] freedom countries in the whole entire earth. We  
 [3] do agree about that.  
 [4] **THE COURT:** Are you and the  
 [5] complainant from the same country?  
 [6] **THE DEFENDANT:** I'm not quite sure.  
 [7] He's living in my country but I'm not  
 [8] quite sure where he's from originally.  
 [9] **THE COURT:** He lived in your  
 [10] country at some point?  
 [11] **THE DEFENDANT:** Yes.  
 [12] **THE COURT:** You speak the same  
 [13] language?  
 [14] **THE DEFENDANT:** Yes.  
 [15] **THE COURT:** So when you have  
 [16] interactions with him -- when you have  
 [17] interactions with him, do you speak in  
 [18] English, or do you speak in your  
 [19] language?  
 [20] **THE DEFENDANT:** In my language.  
 [21] **THE COURT:** Got it.  
 [22] **BY MS. PALMER:**  
 [23] **Q.** What you're saying, you just tell him that  
 [24] your people own his people, you didn't tell him  
 [25] that? →

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[1] COMMONWEALTH VS. ALY

[2] A. Oh, no.

[3] Q. Okay. You didn't tell him --

[4] THE COURT: Can you hang on, one  
[5] second?[6] (Brief pause to status another  
[7] matter telephonically.)

[8] BY MS. PALMER:

[9] Q. Sir, you asked the complainant for \$1,000  
[10] in the past, correct?

[11] A. Yes, like two years ago.

[12] Q. And you asked him a couple times, correct?

[13] A. No.

[14] Q. You only asked him one time?

[15] A. One time.

[16] Q. All right. So you didn't say, you didn't  
[17] say anything bad about his family, his wife, or  
[18] nothing like that?[19] A. Not because if I say something bad I  
[20] already take him to the lawyer to ask that, his  
[21] interpretation, so if I say something bad about  
[22] his marriage, I would not take Bikhit to the  
[23] lawyer.[24] But I help him. I take him to the  
[25] lawyer. He cannot speak English, so I take him

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COMMONWEALTH VS. ALY

[2] to the lawyer. If I do that I will not take him

[3] to the lawyer.

[4] MS. PALMER: All right. I don't  
[5] have anything further.[6] COURT REPORTER: Can I get the  
[7] complainant's name spelled, please?[8] THE COURT: It's B-i-k-h-i-t, is the  
[9] first name, and the last name is  
[10] R-a-d-w-a-n.

[11] Okay. Anything else?

[12] MS. WILLIAMS: With that, the  
[13] defense rests.[14] THE COURT: Okay. Very good.  
Argument.[15] MS. WILLIAMS: Your Honor, you heard  
two different stories. I ask that you  
find Mr. Aly not guilty. There was two  
very different stories. The  
complainant said that my client took  
\$200 out of his pocket after asking for  
\$1,000.[16] My client told you a different  
version. He told you that they got in  
an argument that day, and that this

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[1] COMMONWEALTH VS. ALY

[2] complainant was actually arrested with  
[3] my client pushing him in -- pushed him  
[4] and threatened to hit him with a  
[5] bottle, and that was it.[6] My client was credible today. On  
[7] cross-examination when I was asking the  
[8] complainant about what happened here,  
[9] what he was upset about, he mostly said  
[10] that he was upset about the humiliation  
he felt from my client.[11] My client admitted today that he  
cursed him; that he was yelling at him.  
He was yelling things at him, and this  
complainant was very offended by them.  
He was hurt and I ask that you take  
into consideration, that my client said  
he didn't do this.[12] So the complainant would have reason  
to come in and say that my client took  
money from him because he is  
humiliated and upset about what went on  
on, on April 10th. So I ask that you  
find my client's story credible, and I  
would ask that you find him not guilty.

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COMMONWEALTH VS. ALY

THE COURT: Ms. Palmer?

MS. PALMER: Thank you, Your Honor.  
Your Honor, I'd ask that you find  
the defendant guilty. I'm sure that  
Your Honor remembers the complainant's  
testimony. It was upsetting, it was  
moving. He was so honest with Your  
Honor, and candid about how he was  
offended by this defendant's actions  
that day.It is not -- it wasn't about the  
money. He lost \$200, but he was so  
hurt by the things that the defendant  
said during the course of this robbery,  
and he was ashamed to get up and repeat  
them. He was ashamed to talk to me  
about them.And I think that that goes to his  
character as a person, why it cut that  
deeply but not in any way negating the  
fact that the defendant robbed him that  
day.The defendant's story is not  
credible. He owns up to it as much as

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[1] COMMONWEALTH VS. ALY  
 [2] he has to, and that's it. He's also  
 [3] quite a bit more pleasant today, as  
 [4] opposed to the other day, when he asked  
 [5] you not to hear this trial because of  
 [6] the complainant's citizen status. I  
 [7] ask that Your Honor find the defendant  
 [8] guilty.

**THE COURT:** All right. I do find  
 the defendant not guilty of robbery, a  
 felony of the third degree, and guilty  
 of theft by unlawful taking, and RSP,  
 which is a misdemeanor of the second  
 degree, I believe? Two-hundred dollars  
 would be an M2. I think that's right.  
 It's not an M1, I don't think.

**MS. PALMER:** I think that it's 200  
 or over.

**THE COURT:** It's an M1?

**MS. PALMER:** It is.

**THE COURT:** Okay. M1.

I think that taking money out of  
 somebody's pocket is a different  
 situation than a robbery. I think  
 that's like a pick-pocket situation

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[1] COMMONWEALTH VS. ALY  
 [2] **MS. WILLIAMS:** Thank you.  
 [3] **THE COURT:** So are we going to go to  
 [4] sentencing today?

**MS. WILLIAMS:** I think that would be  
 appropriate, Your Honor.

**THE COURT:** Miss Palmer?

**MS. PALMER:** Sure, Your Honor.

**THE COURT:** This defendant has a  
 prior record score of zero?

**MS. PALMER:** Correct, Your Honor.

**THE COURT:** And an offense gravity  
 score of 4, 3?

**MS. PALMER:** That would be a 3, Your  
 Honor.

**THE COURT:** Guidelines are RS to --

**MS. PALMER:** The guidelines are RS  
 to one, plus or minus three.

**THE COURT:** Okay.

What would anyone like to tell me  
 about Mr. Aly before I impose sentence?

**THE DEFENDANT:** Your Honor, I plead  
 not guilty. He's saying --

**THE COURT:** Let me stop for a  
 second.

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Page 19

[1] COMMONWEALTH VS. ALY  
 [2] **MS. WILLIAMS:** Mr. Aly.  
 [3] **THE DEFENDANT:** What do I say?  
 [4] **MS. WILLIAMS:** She found you guilty.  
 [5] **THE DEFENDANT:** What are you asking  
 me to do?

**THE COURT:** I'm asking you to tell  
 me something about you, so that I  
 know --

**THE DEFENDANT:** Oh, about myself?

**THE COURT:** Yes, so that I know how  
 to sentence you.

**THE DEFENDANT:** I live here in the  
 United States 28 years. In my mind I  
 never violated any law.

**THE COURT:** Okay. Thank you.

Anything else anybody wants to say?

**MS. WILLIAMS:** No, Your Honor.

**THE COURT:** Okay. It's time served  
 to 23 months.

**MS. PALMER:** Your Honor, would a  
 dual diagnosis FER be appropriate here?

**THE COURT:** I'm going to make it the  
 Mental Health Unit.

**MS. PALMER:** And, Your Honor, the

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[1] COMMONWEALTH VS. ALY  
 [2] complainant in this case was emphatic  
 to me that this defendant stays away  
 from him.

**THE COURT:** Okay.

**MS. PALMER:** And he is extremely  
 fearful for himself and his wife, and  
 he just really, really wants the  
 defendant to be barred from his store,  
 from his home.

**THE COURT:** Okay.

It's time served to 23 months plus  
 two years concurrent probation.

So, Mr. Aly?

**THE DEFENDANT:** Yes.

**THE COURT:** Do you have any  
 problems using drugs or alcohol?

**THE DEFENDANT:** No, I don't.

**THE COURT:** Okay. So the main thing  
 that you're going to need to do with  
 respect to this probation, and it can  
 be transferred, to Del -- you live in  
 Delaware County?

**THE DEFENDANT:** Yea, I stay here in  
 Philadelphia, at this time.

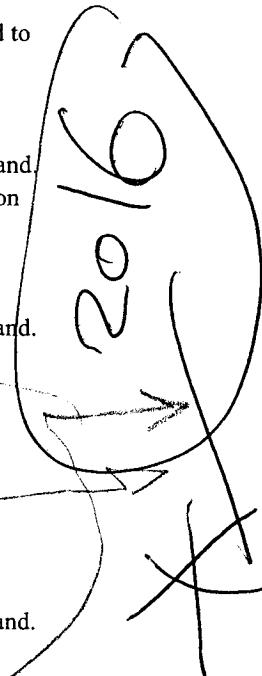
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[1] COMMONWEALTH VS. ALY  
[2] **THE COURT:** Where do you stay in Philadelphia?  
[3] **THE DEFENDANT:** At 425 North Broad Street, Your Honor.  
[4] **THE COURT:** Why are you staying there; do you own that property?  
[5] **THE DEFENDANT:** Yes, I do.  
[6] **THE COURT:** And where is the complainant's store; right there, right?  
[7] **MS. WILLIAMS:** At 500.  
[8] **THE COURT:** At 500, okay.  
[9] All right. So the key to this probation, what you need to do with this probation is stay away from the complainant. That means that you can have no contact with him whatsoever. Do you understand what I mean when I say "no contact"?
[10] **THE DEFENDANT:** Yes, I know.  
[11] **THE COURT:** You can't look at him, you can't email him, you can't contact him via the computer on any social network. You can't walk past his store

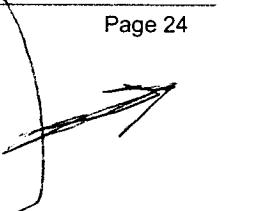
[1] COMMONWEALTH VS. ALY  
[2] and eyeball him; do you know what I mean by "eyeball"?
[3] **THE DEFENDANT:** Yes.  
[4] **THE COURT:** You know. You need to look the other way and walk the other way, on the other side of the street. Do you understand what I'm saying?
[5] **THE DEFENDANT:** Yes. I understand.  
[6] **THE COURT:** I will put you in prison for a very long period of time if you violate that condition.  
[7] **Do you understand?**  
[8] **THE DEFENDANT:** Yes, I understand.  
[9] **THE COURT:** I'm not playing with that.  
[10] That's the key to this. If you can do that successfully then your probation can be non-reporting. If you are successful in the beginning, by staying away from the complainant.  
[11] **Do you understand?**  
[12] **THE DEFENDANT:** Yes, I understand.  
[13] **THE COURT:** All right. You can advise.



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[1] COMMONWEALTH VS. ALY  
[2] **MS. PALMER:** Can we also ask for the \$200?  
[3] **THE COURT:** Two-hundred dollars restitution.  
[4] **MS. WILLIAMS:** May I advise?  
[5] **THE COURT:** Yes.  
[6] **MS. WILLIAMS:** Mr. Aly, you have just been found guilty and sentenced by the Honorable Judge Anhalt.  
[7] She has sentenced you to time served to 23 months incarceration plus two years of reporting probation to run concurrent to that.  
[8] She also has stipulated that you must stay away from the complaining witness and that you pay \$200 restitution.  
[9] You have ten days from today to ask Her Honor to reconsider her sentence.  
[10] You have 30 days to appeal to a higher court. Either of those things must be done in writing and through an attorney.  
[11] If you would like to do either of

[1] COMMONWEALTH VS. ALY  
[2] those, please contact my office and we will advise you whether that would be in your best interest, and we would file the appropriate motions. Do you understand?  
[3] **THE DEFENDANT:** Yes, I understand.  
[4] **THE COURT:** Thank you.  
[5] Good luck, Mr. Aly.  
[6] **THE DEFENDANT:** Thank you, Your Honor.  
[7] I have something to put towards my case.  
[8] **THE COURT:** Speak to your lawyer.  
[9] **MS. WILLIAMS:** Thank you very much, Your Honor.  
[10] - - -  
[11] (Bifurcated trial concluded.)  
[12] - - -



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[1]

C E R T I F I C A T I O N

[2]

[3]

[4]

[5]

I hereby certify that the  
proceedings and evidence are contained  
fully and accurately in the notes taken  
by me on the matter of the above cause,  
and this copy is a correct transcript  
of same.

[6]

[7]

[8]

[9]

[10]

[11]

[12]

[13]

KIM TOWARNICKI  
Official Court Reporter

[14]

[15]

(THE FOREGOING CERTIFICATION OF THIS  
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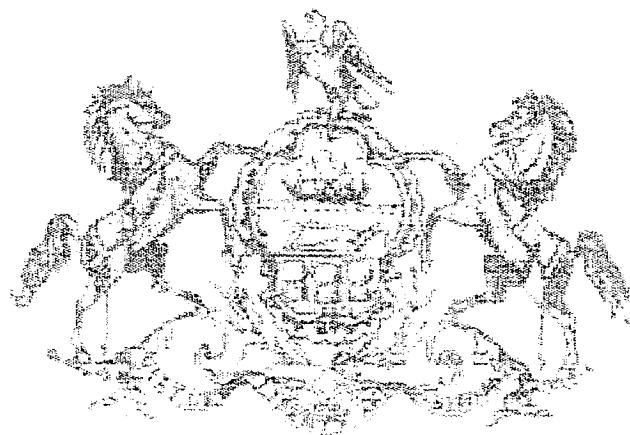
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what kinds of evidence ????

Lawyer's Notes

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.4.

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 2856 EDA 2013

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July 18, 2014



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 19, 2014	Application for Extension of Time to File Brief - First Request	Appellant	Aly, Ibrahim
May 21, 2014	Order Granting Application for Extension of Time to File Appellant Brief		Per Curiam

Comment: Briefs are due by 7/18/14.

the first time

MR. IBRAHIM ALY  
 Searched a written request to the Court Clerk  
 inform the Court the MR IBRAHIM ALY, file  
 His Attorney MR \_\_\_\_\_  
 and MR IBRAHIM ALY will pose.

COMMONWEALTH OF PENNSYLVANIA : COURT OF COMMON PLEAS  
V. : COUNTY OF PHILADELPHIA  
**RECEIVED** : CRIMINAL TRIAL DIVISION  
IBRAHIM ALY APR 10 2014 : CP-51-CR-0006077-2013  
**ACTIVE CRIMINAL RECORDS** : CHARGES: THEFT- UNLAWFUL TAKING M1  
**CRIMINAL MOTION COURT** RECEIVING STOLEN PROPERTY M1

MOTION FOR RECONSIDERATION OF NON-REPORTING TO PROBATION

TO THE HONORABLE DIANA L. ANHALT RESIDING IN COURT OF COMMON PLEAS FOR THE COUNTY OF PHILADELPHIA

PETITIONER IBRAHIM ALY

HAS BEEN COMPLY WITH THE PROBATION TERMS AND CONDITION SET FORTH IN THE DOCKET OF THE ABOVE-ENTITLED COURT.

FROM THE BEGINNING OF THE COURT ORDER ON September 12-2013 PETITIONER HAS SUCCESSFULLY STAYING A WAY FROM THE COMPLAINING.

PETITIONER REQUEST RELIEF FOR NON- REPORTING PROBATION TO BE GRANTED BY THE COURT AS CONFERMED IN COURT REPORTING CRS CATALOG ID: 14010154 PAGE 22 (15-25)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW~~OF~~ OF THE STATE OF PENNSYLVANIA THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON

Date 04/05/2014

signature of petitioner

ADRESS AKA 425 North Broad street  
Philadelphia, PA 19123

(SAVOR  
SABRI

Commonwealth of Pennsylvania  
 Municipal Court  
 County of Philadelphia  
 1st Judicial District



**NOTICE OF  
 PRELIMINARY ARRAIGNMENT**

Commonwealth of Pennsylvania  
 v.  
 Ibrahim Aly

Active Criminal Records Department  
 1301 Filbert Street  
 Philadelphia, PA 19107  
 PH: 215-683-7290

Docket No: MC-51-CR-0014843-2013

*Subpoena*

You are hereby DIRECTED to appear for a/an Preliminary Arraignment in the above-captioned case to be held on/at:

Date: April 18, 2013

Location: B08 - Criminal Justice Center

Time: 12:58 am

1301 Filbert Street  
 Philadelphia, PA 19107

**To the Defendant:**

You should discuss this matter promptly with your attorney. If you fail to appear as required or comply with the conditions of the bail bond, if any, then the bond shall remain in full force, and the full sum of the monetary condition of release may be forfeited and your release may be revoked. In addition, a warrant for your arrest may be issued. Bring this notice with you.

If you fail to appear without cause at any proceeding for which your presence is required, including trial, your absence may be deemed a waiver of your right to be present, and the proceeding, including the trial, may be conducted in your absence.

If you are disabled and require a reasonable accommodation to gain access to the Philadelphia County Municipal Court and its services, please contact the Philadelphia County Municipal Court at the above address or telephone number. We are unable to provide transportation.

Recipient: (Ibrahim Aly)

Primary Participant Name and Address:

Aly, Ibrahim  
 4251/ N Broad St  
 Philadelphia, PA 19123

*Violation? False Arrest?*

*Arrest 14-17-2013  
 Dated: ??????*

Superior Court of Pennsylvania

To the honorable Judge of the Said Court

RECEIVED  
COURT OF APPEALS

OCT 10 2014

In case: EDA 2013 NO: 2856

COMMONWEALTH VS: IBRAHIM ALY

PETITIONER PRO SE WITHOUT AN ATTORNEY, PETITIONER FILE AN APPEAL WITH THE SUPERIOR COURT DATED ON 9\12\2013 REQUESTING IN HIS APLEAS TO CHALANG BOTH THE JUDGEMENT AND THE SENTENCE, IBRAHIM ALY NO LONGER UNDER THE JURY DICTION OF THE Court of the COMMON PLEAS FORE HE ASK THE HONORABLE JUDGE TO LEFT HIS PROBATION UNTILE THE SUPERIOR COURT FINAL DESSION ON THE VENUE OF THE CAUSE

RESPECTFULLY SUBMITED

IBRAHIM ALY

10/08/2014

6077-13

Tracy Palmer

8 | 27 | 13  
904

**First Judicial District of Pennsylvania**

- Copy of Police Arrest 51CR00148432013  
*Ibrahim Aly*
- Copy of pre Trial
- Copy of My papers

---

*Preliminary Hearing Volume 1  
May 07, 2013*



---

*First Judicial District of Pennsylvania  
100 South Broad Street, Second Floor  
Philadelphia, PA 19110  
(215) 683-8000 FAX:(215) 683-8005*

*Original File 0507aly.V1, 13 Pages  
CRS Catalog ID: 13070898*

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51CR00148432013  
Ibrahim Aly

Page 1

[1] IN THE MUNICIPAL COURT  
 [2] FOR THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 [3] CRIMINAL TRIAL DIVISION

[6] COMMONWEALTH

[8] vs.

[10] IBRAHIM ALY

and cross examine  
the other side of the case

and it's happening

in I can't based on

false + lie alleged

judge

Tuesday, May 7, 2013

Courtroom 903  
Criminal Justice Center  
Philadelphia, Pennsylvania

[21] BEFORE: THE HONORABLE MARVIN L. WILLIAMS, J.

[23] PRELIMINARY HEARING

Court!

[1] INDEX  
 [2] COMMONWEALTH'S EVIDENCE

[3] WITNESS: DR CR RDR RCR

[4] RADWAN BIKHIT

[5] EXHIBITS  
 [6] NO. DESCRIPTION MARKED ADMIT.  
 [8] (None presented)

[9] DEFENDANT'S EVIDENCE

[11] WITNESS: DR CR RDR RCR

[12] (None presented)

[13] EXHIBITS  
 [14] NO. DESCRIPTION MARKED ADMIT.  
 [16] (None presented)

DR - Criminal matter

CR

Preliminary Hearing Volume 1  
May 07, 2013

Page 2

[1] APPEARANCES:

[2]

[3] DAVID LIM, ESQUIRE  
Assistant District Attorney  
 [4] Counsel for the Commonwealth  
 [5] PAULA SEN, ESQUIRE  
Defender Association of Philadelphia

[6] Counsel for the Defendant

[7] FATHI TOUNSI

Interpreter and cross-examiner without

what the name of the judge

why the Commonwealth

INVOLV in MUNICIPAL Court

Philadelphia city -

Philadelphia County

they call it

what is + why?

Page 4

THE CRIER: Your Honor, this is Case

No. 27, Ibrahim Aly.

Interpreter, state your name for the record, spell your name, please.

THE INTERPRETER: Fathi Tounsi,

F-A-T-H-I, T-O-U-N-S-I.

(The interpreter was sworn.)

THE CRIER: Commonwealth.

MR. LIM: The Commonwealth calls Mr.

Bikhit.

THE CRIER: Sir, state your name for the record, spell your name, please.

THE WITNESS: Radwan Bikhit,

R-A-D-W-A-N, B-I-K-H-I-T.

RADWAN BIKHIT, having been first duly

sworn, was examined and testified as follows:

THE CRIER: Thank you. Please be seated.

Commonwealth.

MR. LIM: May I, Your Honor?

THE COURT: Yes.

51CR00148432013  
Ibrahim AlyPreliminary Hearing Volume 1  
May 07, 2013

Page 5

RADWAN BIKHIT - DIRECT

5

MR. LIM: Thank you.

[1] ---

[2] DIRECT EXAMINATION

[3] ---

[4] [5] BY MR. LIM:

[6] Q. Good morning, sir.

[7] A. Good morning.

[8] Q. Thank you for your patience today.

[9] Sir, I have some questions about

[10] something that happened on April 10, 2013. Were you  
[11] working at your newsstand which is located at 500 North  
[12] Broad Street here in Philadelphia?

[13] A. Yes.

[14] Q. At around lunchtime, at 12:00 p.m., did you

[15] see anyone you see in the courtroom today?

[16] A. It's before noon, 10 minutes before noon.

[17] Q. Did you see someone you see in the

[18] courtroom today before noon?

[19] A. Yes.

[20] Q. And who is that person, sir?

[21] A. Ibrahim (indicating).

[22] MR. LIM: Identifying the defendant by

[23] point of finger and name.

[24] BY MR. LIM:

[25] Q. Sir, please explain to His Honor what

COPY

Page 7

RADWAN BIKHIT - DIRECT

7

So it hit you in the chest?

[1] A. I thought he was going to hit me, but

[2] actually he was reaching for the money in my pocket.

[3] Q. How much money did you have in your pocket?

[4] A. \$200.

[5] THE COURT: Are you saying that he  
[6] punched you or he was trying to reach for the  
[7] money?[8] THE WITNESS: I thought he was going to  
[9] punch me.

[10] BY MR. LIM:

[11] Q. So he never punched you?

[12] A. It was only once. He just reach my chest  
[13] to grab the money from my pocket.[14] Q. So, once again, he never hit you or he did  
[15] hit you? Just yes or no, sir.[16] A. I thought he was going to hit me, but he  
[17] was going to get the money.

[18] Q. Sir, yes or no.

[19] MS. SEN: It's asked and answered.

[20] MR. LIM: Your Honor, I'm asking for  
[21] clarification at this point.

[22] BY MR. LIM:

[23] Q. Yes or no?

[24] A. I don't know. He was going to take the

Court Reporting System

Page 6

RADWAN BIKHIT - DIRECT

6

[1] happened that brings you into court today.

[2] A. Ibrahim came to me three times. First time

[3] he said that he's the coming Christ. He was telling me

[4] that he's the coming Christ.

[5] Q. Okay. Sir, I just want to focus about the

[6] things that happened between the two of you. Okay?

[7] A. Do you want me to say things step-by-step

[8] or do you want me to tell you just --

[9] Q. Let's get straight to the point.

[10] A. He came to me, and I talked to his family

[11] that he's not supposed to come towards me or towards my → before

[12] stand.

[13] Q. And what happened after that?

[14] A. He came to me and he asked me for \$1000.

[15] He started insulting me, telling me a lot of bad words.

[16] Q. Okay.

[17] A. He punched me with his hand in my chest,

[18] and there was a plastic bag in his hand.

[19] Q. Let's talk about that punch very quickly,

[20] sir. Okay?

[21] That punch, where did it hit you on

[22] your body?

[23] A. The reason of his hand going towards my

[24] chest it's for the money in my pocket.

[25] Q. We'll get to the money in a second.

Page 8

RADWAN BIKHIT - CROSS

8

[1] money. I don't know what is his intention.

[2] Q. Okay. How much money was in your pocket?

[3] You said \$200?

[4] A. Yes, 200.

[5] MR. LIM: Court's indulgence.

[6] (Pause.)

[7] BY MR. LIM:

[8] Q. Did he say anything to you afterwards?

[9] A. He insult me a lot of things, bad words. I

[10] cannot say. It's shameful to say it in a court.

[11] MR. LIM: Nothing further.

[12] THE COURT: Cross-examine.

[13] MS. SEN: Thank you.

[14] ---

[15] CROSS-EXAMINATION

[16] ---

[17] BY MS. SEN:

[18] Q. Good morning, sir.

[19] A. Good morning.

[20] Q. I just have a few questions for you.

[21] So you've known my client for a little

[22] while. Correct?

[23] A. Yes.

[24] Q. And he asked you for some money for a plane

[25] ticket. Correct?

51CR00148432013  
Ibrahim AlyPreliminary Hearing Volume 1  
May 07, 2013

Page 9

RADWAN BIKHIT - CROSS

9

[1] A. No. He was asking me for the money and I'm  
 [2] the coming Christ and you have to help me. Everybody  
 [3] has to help me over here.

No

[4] Q. All right. The money was in your shirt  
 [5] pocket. Is that right?

[6] A. Yes. I was having him ready to give him to  
 [7] pay something with.

[8] Q. Okay. And you called the police after he  
 [9] took your money?

[10] A. I told him I'm going to call the cops. He  
 [11] said, you don't even know how to speak English to call  
 [12] the cops.

[13] Q. That's not what I asked. This is a yes or  
 [14] no question, sir.

[15] Did you call the police afterwards?

[16] A. I went to the cops. I went to the cops.

[17] Q. You went to the police? Okay.

[18] MS. SEN: I actually don't have any  
 [19] further questions for this witness.

[20] MR. LIM: Your Honor, if I may just  
 [21] have one more question?

[22] THE COURT: Okay.

[23] ---

[24]

[25]

Page 9

RADWAN BIKHIT - REDIRECT

10

---  
REDIRECT EXAMINATION  
---

[4] BY MR. LIM:

[5] Q. Sir, I'm going to ask you one more time. I  
 [6] need you to say this yes or no, nothing else. Okay?  
 [7] Did the defendant ever hit you?

[8] A. (No response.)

[9] Q. Yes or no, sir? Yes or no?

[10] A. It was one punch.

[11] Q. Okay. So he did hit you?

[12] A. Yes.

[13] Q. Was that before or after he took the \$200  
 [14] from you?

[15] A. The punch was a punch and a taking of the  
 [16] money all at the same time.

[17] MR. LIM: No further questions, Your  
 Honor.

[18] MS. SEN: May I, Your Honor?

[19] THE COURT: Certainly.

[20] MS. SEN: Thank you. Just a couple  
 [21] more questions.

[22]

[23]

[24]

[25]

Page 10

it hit  
you  
1 punchnever  
ANSWER

Page 11

RADWAN BIKHIT - RECROSS

11

[1] ---

[2] RECROSS EXAMINATION

[3] ---

[4] BY MS. SEN:

[5] Q. Did you get your money back, sir?

[6] MR. LIM: Objection.

[7] THE WITNESS: He was insulting me. I  
 [8] didn't see him again anymore.

[9] BY MS. SEN:

[10] Q. So yes or no question, did you ever get  
 [11] your money back?

[12] A. No.

[13] Q. Okay. And were you hurt? Yes or no?

[14] A. It's not about the money. It's about me  
 [15] getting attacked like that and I feel bad about it.

[16] MS. SEN: Okay. Nothing further.

[17] Thank you.

[18] THE WITNESS: I don't want him to come  
 [19] towards me, next to me, and I don't want him to  
 [20] come to my stand anymore.

[21] MS. SEN: Thank you, sir.

[22] THE COURT: All right.

[23] MR. LIM: Thank you, sir.

[24] ---

[25]

Page 11

(Witness excused.)

[2]

[3]

[4] MR. LIM: Your Honor, just prior to  
 [5] resting, the Commonwealth would amend the  
 [6] gradation of the theft and RSP to M1s  
 [7] respectively.

[8] With that, the Commonwealth would rest.

[9] THE COURT: All right. Defense.

[10]

[11]

[12] (Whereupon, argument heard at this  
 time.)

[13]

[14] THE COURT: I think we'll go with the  
 [15] F3, force however slight.

[16] MR. LIM: Yes, Your Honor.

[17] And, Your Honor, I do have a stay-away  
 order if Your Honor would sign it.

[18] THE COURT: I certainly will.

[19] MS. SEN: And the REAP is dismissed,  
 [20] Your Honor?

[21] THE COURT: REAP is dismissed. Robbery  
 [22] is an F3. Held for court. May 28th, 11:00 a.m.  
 [23] in 1104.

[24] MS. SEN: Thank you, Your Honor.

[25]

Page 12

?

?

51CR00148432013  
Ibrahim AlyPreliminary Hearing Volume 1  
May 07, 2013

Page 13

[1] THE COURT: Do you understand, sir,  
[2] that there's to be no contact whatsoever?  
[3] THE DEFENDANT: Yes, sir, I understand.  
[4] THE COURT: All right. I just want to  
[5] make sure there are no language issues.  
[6] (Whereupon, proceedings concluded.)  
[7] ---  
[8]  
[9]  
[10]  
[11]  
[12]  
[13]  
[14]  
[15]  
[16]  
[17]  
[18]  
[19]  
[20]  
[21]  
[22]  
[23]  
[24]  
[25]

*the only b  
I ever had  
and that the answer  
without knowing what  
happen.*

*The Municipal Court  
Violation!*

Page 14

## CERTIFICATION

[1]  
[2]  
[3]  
[4] I hereby certify that the proceedings  
[5] and evidence are contained fully and accurately  
[6] in the stenographic notes taken by me upon the  
[7] foregoing matter on Tuesday, May 7, 2013, and  
[8] that this is a correct transcript of same.  
[9]  
[10]  
[11]  
[12]  
[13]  
[14]  
[15]

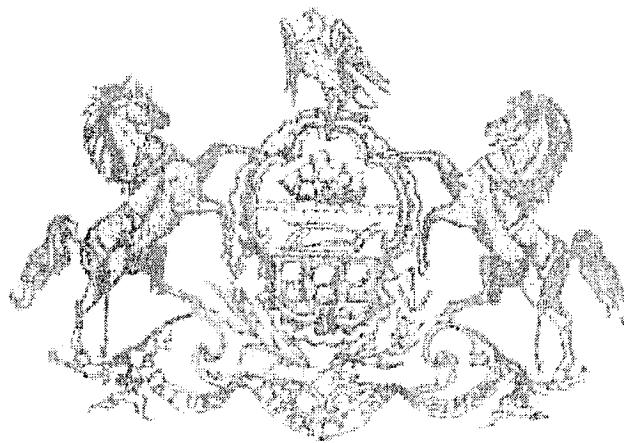
KRISTINE A. VARGAS  
Registered Professional Reporter

[16]  
[17]  
[18]  
[19]  
[20] (The foregoing certification of this  
[21] transcript does not apply to any reproduction of the  
[22] same by any means, unless under the direct control  
[23] and/or supervision of the certifying reporter.)  
[24]  
[25]

Court Reporting System (Generated 2013/07/17 13:42:19)

Lawyer's Notes

---



Commonwealth of Pennsylvania

**RECEIVED**

COMMON PLEAS COURT

APR 30 2015

case n# 20150303245 HBG

V.

**ACTIVE CRIMINAL RECORDS  
CRIMINAL MOTION COURT**

U.S

RIGHT WAY AUTHORITY  
AKA 425½ North Broad street, philadelphia, PA 19123  
IBRAHIM ALY

MOTION FOR RECONSIDERATION

Mr. aly civil right had been violated first the court judge can't issue an order for MR Aly to the probation parole officer to be report to Mental Health United as instated in the arrest warrant warning exhibit 22

Only the doctor can determine Mr. aly evaluation not the judge who interrupted the statue of law to imply against any violation to personal right mental , fiscal and or to property right violation unless the theirs is contract violation it is civil law, in those cases the plaintiff initial to relief for the upper court against the judge own decision that the court will grant Mr. Aly termination to his probation will not granted because judge an Hault doesn't remember, furthermore Mr. Aly has the evidence to summitted to the court but judge An Hult has refuse to honor her own decision that Mr. Aly is granted relief for the first judgment as the court instated.

Can adult probation and parole department and Charles J. Hoyt the chief probation officer and all the employee under his supervisory also grant the right to act as judge and issue ARREST WARRANT WARNING against any one any time or as require by the statue which passed by the elected official by we the peoples and voting right granted the change in any law statue to we the peoples not I OR AND Y

" UN EQUAL JUSTICE FOR ALL " THAT WAS THE LAW OF GOD AND AS A PROPHETIC FOR THE TREE OF FATHER ABRAHAM THE CREATOR PLESS HIM AND HIS FAMILY INCLUDING IBRAHIM ALY FOR THE SAME TREE , THE TREE OF LIFE AND THE RIGHT TO LIVE IN PEACE AND LOVE ON EARTH, BUT THERE IS SPARATION BETWEEN CHURCH AND STATE SO ONLY THE LAW THE UNITED STATES OF AMERICA CONSTITUTION AND THE BILL OF RIGHTS IS THE PRINCIPAL CORNER STATUE TO THE LAW OF THE LAND AND THE UNION FLAG OF FIFTY STATES MUST IMPLAY.

Only the court of common pleas has the right to issue the arrest warrant warning not the probation department or any other government department public or and privet that was the law and no judge ever has the right to grant any authority as the statutory law must imply first toward civil right violation

The arrest warrant warning granted Mr. aly instated that " when you receive this letter you are instructed to call your probation officer immediately " mr aly never inform with the arrest warrant warning while he was at the Potsda mission in 6 and rely street Harrisburg, dauphin county, pa I always was under the government control supervise system

Window

THE COMMONWEALTH OF PENNSYLVANIA

v.

U.S

RIGHT WAY AUTHORITY

AKA 4251/2 north Broad Street Philadelphia, pa 19123

IBRAHIM ALY

The commonwealth of Pennsylvania Magisterial District Court number # 12104

MDJ: Marsh's C Stewart at Harrisburg, pa docket no: MJ-12104- MD-0000002-2015 CASE FILE; 3/19/15

- Mr. Aly probable cause for his arrest as instated " FELONY WARRANT FIR ROBBERY OUT OF PHILADELPHIA "

THE FALSE ARREST VIOLATED MR Aly right because Mr. Aly had been tray for the same case number # CP-51-CR-0006077-2013 IT IS a RECORD FAILER FOR NCLC

Double jeopardy is a procedural defense that forbids a defendant from being tried again on the same (or similar) charges following a legitimate acquittal or conviction.

The arrest warrant must be issue form the judge not any other Party

Charles j. Hoyt never grant to issue arrest warrant violation to Mr. Aly right because only the court of common pleas judge granted by law statue to issue the warrant of arrest and no one else

There is no warrant of arrest ever issue by the court of common pleas and the judge cannot change the venue of the case since the warrant of arrest as instructed above matter in Harrisburg → *Serve is full*

- Right to counsel never provided by the set court in violation to state, federal, and U.S. constitution law
- The date and time for Mr. Aly to testify never granted as require by law statue in Harrisburg district court

The acts committed by the Harrisburg P.O Joshua I. Eruhwirth badge # 138 violated Mr. Aly Right because: In part 2 EXHIBIT 11

"I ASK THAT A WARRANT OF ARREST OR A SUMMONS ISSUED AND THAT THE DEFENDANT BE REQUIRED TO ANSWER THE CHARGES I HAVE MADE"

FALSE ARREST

Mr. Aly never grant his right to testify for the charges must be done first in county where the warrant has been issued first ACCORDING TO THE JURISDICTION to see if their order of the warrant of arrest is lawfully executed. And second the right to testify never granted to Mr. Aly

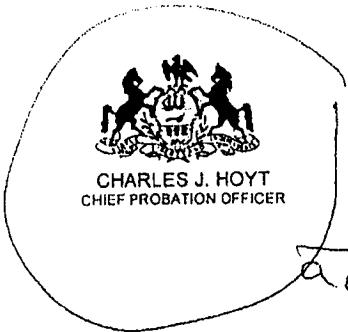
FALSE IMPRISONMENT

Mr. Aly Race is not Black as instructed in police complain violated Mr. Aly Right because first Mr. Aly skin color not a part of his race and the police is a part of the government violated The Civil Rights Act of 1964, which ended segregation in public places and banned discrimination on the basis of race, color, religion, sex or...

The police have the right to describe Mr. Aly Body Color to insure public safety but the color of the skin no part of Mr. Aly race whatsoever.

And hereafter, were against the peace and dignity of the commonwealth of Pennsylvania Citizen of the United States of America and were contrary to the acts of the Assembly or in violation of PA statute of law.

IBRAHIM ALY  
4-29-2015  
SAVAKI



FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS  
TRIAL DIVISION CRIMINAL

ADULT PROBATION & PAROLE DEPARTMENT  
1401 ARCH STREET  
PHILADELPHIA, PA 19102  
215-683-1000  
FAX: 215-683-1492  
WEBSITE: [HTTP://COURTS.PHILA.GOV](http://courts.phila.gov)  
EMAIL: CHARLES.HOYT@COURTS.PHILA.GOV

No right to issue  
an ARREST WARRANT WARNING  
only preserve to judge only

Name: IBRAHIM ALY  
CASE #: CP-51-CR-0006077-2013

PP #: 1123899

SID: 39862146

Address: 425 1/2 N. Broad Street  
Philadelphia, PA 19123

YOU HAVE FAILED TO REPORT TO YOUR PROBATION OFFICER AS REQUIRED, AND WE HAVE BEEN UNABLE TO CONTACT YOU. IT IS A CONDITION OF YOUR SENTENCE THAT YOU REPORT, AND BE AVAILABLE AT THE ADDRESS ABOVE, WHICH YOU PROVIDED.

THIS IS OUR LAST ATTEMPT TO CONTACT YOU BEFORE WE ISSUE A **WARRANT FOR YOUR ARREST**.

WHEN YOU RECEIVE THIS LETTER, YOU ARE INSTRUCTED TO CALL YOUR PROBATION OFFICER AT THE NUMBER BELOW IMMEDIATELY, AND REPORT IN PERSON ON THE NEXT WORK DAY. WHEN CALLING, BE SURE TO LEAVE A MESSAGE, INCLUDING YOUR NAME, ADDRESS, AND PHONE NUMBER.

THE ARREST WARRANT WILL BE ISSUED ON 2/11/2015.  
THE PHILADELPHIA POLICE DEPARTMENT, COURT'S WARRANT UNIT, AND OTHER LAW ENFORCEMENT AGENCIES WILL HAVE THIS WARRANT TO SERVE.

OFFICER: Nelson Parrish

UNIT: Mental Health

PHONE #: (215) 683-1347  
2129

DATE OF THIS NOTICE: 1/28/2015

Probation/Parole Officer



CHARLES J. HOYT  
CHIEF PROBATION OFFICER

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
**COURT OF COMMON PLEAS**  
TRIAL DIVISION CRIMINAL

ADULT PROBATION & PAROLE DEPARTMENT  
1401 ARCH STREET  
PHILADELPHIA, PA 19102  
215-683-1000  
FAX: 215-683-1492  
WEBSITE: [HTTP://COURTS.PHLA.GOV](http://courts.phila.gov)  
EMAIL: CHARLES.HOYT@COURTS.PHLA.GOV

**ARREST WARRANT WARNING**

Name: IBRAHIM ALY

PP #: 1123899

SID: 39862140

CASE #: CP-51-CR-0006077-2013

Address: 425 1/2 N. Broad Street  
Philadelphia, PA 19123

MR. Aly Recived the Arrest warrant  
after Release from jail on date of  
4-21-2015

YOU HAVE FAILED TO REPORT TO YOUR PROBATION OFFICER AS REQUIRED, AND WE HAVE BEEN UNABLE TO CONTACT YOU. IT IS A CONDITION OF YOUR SENTENCE THAT YOU REPORT, AND BE AVAILABLE AT THE ADDRESS ABOVE, WHICH YOU PROVIDED.

THIS IS OUR LAST ATTEMPT TO CONTACT YOU BEFORE WE ISSUE A WARRANT FOR YOUR ARREST. *other Method of Communication in future is*

phone     Email     Letter

WHEN YOU RECEIVE THIS LETTER, YOU ARE INSTRUCTED TO CALL YOUR PROBATION OFFICER AT THE NUMBER BELOW IMMEDIATELY, AND REPORT IN PERSON ON THE NEXT WORK DAY. WHEN CALLING, BE SURE TO LEAVE A MESSAGE, INCLUDING YOUR NAME, ADDRESS, AND PHONE NUMBER. *MR ALY HAS AN EMERGENCY ISSUE*

THE ARREST WARRANT WILL BE ISSUED ON 2/11/2015.

THE PHILADELPHIA POLICE DEPARTMENT, COURT'S WARRANT UNIT, AND OTHER LAW ENFORCEMENT AGENCIES WILL HAVE THIS WARRANT TO SERVE.

*Related to the Court of Common Pleas Violation to  
His Ex wife Right as in WOMEN Right to  
equal Rights Two*

OFFICER: Nelson Parrish    UNIT: Mental Health    PHONE #: (215) 683-1347

2129

DATE OF THIS NOTICE: 1/28/2015

Probation/Parole Officer

*the violated Mr ALY Right  
in a Hospital but His is a Judge  
Law Statute room A bid by the  
elected official by the voting right  
Constitution of the United States of America  
by Montgomery County the Bill of Rights  
Philadelphia logo violation judge ACT Violation  
No Right to carry a cross for Gov, teacher, Carpenter, Violation  
Carucci from Philadelphia District Attorney between church & state  
Commissioner of Piracy against the Commonwealth of Pennsylvania  
ARREST WARRANT WARNING REV 6/2012*

2015 12:30PM MJU KEN LENKEK 12-2-02  
2015 12:30PM DAUPHIN COUNTY BOOKING

NO. 3919 pr. 4  
NO. 3919

## POLICE CRIMINAL COMPLAINT

Docket Number: <u>M0-2-15</u>	Date Filed: <u>3-19-15</u>	OTN/LiveScan Number <u>1929266-S</u>	Complaint/Indictment Number <u>20150303245 HBG</u>
Defendant Name: <u>Ibrahim</u>	First: <u>Ibrahim</u>	Middle: <u>E1</u>	Last: <u>Aly</u>

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4004 of the Crimes Code (18 Pa.C.S. § 4004) relating to sworn falsehood to authorities.

4. This complaint consists of the preceding page(s) numbered 1 through 2.

Harrisburg Police

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited. (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

Citizen of the United States of America  
3/19/15 3-19-15  
 (Date) (Signature of Affiant)

AND NOW, on this date

3-19-15 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

12-202

(Magisterial District Court Number)

K. S. D. J.  
 (Issuing Authority)



THIS LEGAL PROCESS WAS  
 CONDUCTED THROUGH D.C.V.A.  
 ORIGINAL SIGNATURE  
 DOCUMENTS ON FILE

the defendant MR. ALY Never granted his  
 Rights

first - from Harrisburg Police Department  
 second - County of DAUPHIN  
 MJ-12-1-04 case # MJ-12104-MD  
 case filed 3-19-2015  
 000000-2015

→ the case must goes back

to Harrisburg

AOPC 412A - Nov. 12/14  
 20150319 104640

Required federal observation  
 by the Department of Justice  
 Page 3 of 3

**Unified Judicial System of Pennsylvania**  
**Non-Discrimination & Equal Employment Opportunity Complaint Form**

**Complainant Information (Person Filing the Complaint)**

Name	Last Name <u>ALY</u>	First Name <u>IBRAHIM</u>	Middle Initial <u>E</u>	
Address	Address <u>AKA 425 ½ North Broad Street</u>		City <u>Philadelphia</u> State <u>PA</u> Zip <u>19123</u>	
Phone	Home Phone <u>215 459 60 44</u>	Work Phone [empty]	Email <u>Philly Express 10 @G-mail.com</u>	
Position	Job Title <u>OWNER OF BUSINESS</u>	Court/County <u>Philadelphia</u>		
<input type="checkbox"/> Personnel of the System		<input type="checkbox"/> Related Staff	<input type="checkbox"/> Court User	<input type="checkbox"/> Other

If you checked "other", please specify: [empty]

**Respondent Information (Person Complained Against)**

Name <u>MARIA DICARPIO</u>	Job Title <u>Secretary</u>	Organization / Unit <u>COURT of COMMON PLEASE</u>
Name [empty]	Job Title [empty]	Organization / Unit [empty]
Name [empty]	Job Title [empty]	Organization / Unit [empty]

**Basis of Complaint (Check applicable box or boxes)**

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> National Origin	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Religion	<input type="checkbox"/> Retaliation
-------------------------------	--------------------------------	------------------------------	---	--	------------------------------	-------------------------------------	-----------------------------------	--------------------------------------

**Description of Complaint**

Describe in detail the alleged harassment or discrimination including the date and location of incident(s) if known. Attach additional pages if necessary.

September / 02 / 2014

shrif Depty BOWMAN At the 13 fLoor  
of Count of Common PLEASE Call Maria DICARPIO  
and She said that Judge Diana Anhult is in  
Vaccation, but the Second fLoor information  
DESK said the Judge is pr~~esent~~ today Sep, 02, 14

Unified Judicial System of Pennsylvania  
Non-Discrimination & Equal Employment Opportunity Complaint Form

Description of Complaint (con't)

at Room 801 and the judge not in  
Vaccination that mean Maria is Lying  
witness

Sheriff Bowman  
Information Desk

Remedy Complainant is Seeking

there is no Lie in Court House  
from any employee  
what was the Reason for her to Lie?

Signature

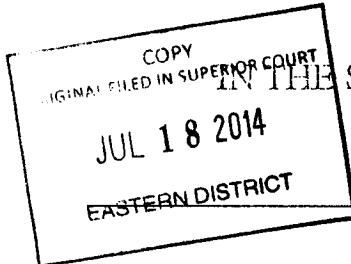
Complainant Signature:

SAVORI

Date:

9-2-2014

Please refer to the applicable Policy on Non-Discrimination & Equal Employment Opportunity  
Complaint Procedures for submission of this form.



IN THE SUPERIOR COURT OF PENNSYLVANIA  
SITTING AT PHILADELPHIA

EDA 2013

NO. 2856

COMMONWEALTH OF PENNSYLVANIA

VS.

IBRAHIM ALY,  
Appellant

BRIEF FOR APPELLANT

Appeal From The Judgment Of Sentence Of The Court Of  
Common Pleas Of Philadelphia County, Trial Division, Criminal  
Section, Order Entered September 12, 2013, Imposed On CP-51-CR-  
0006077-2013.

VICTOR RAUCH, Assistant Defender  
OWEN W. LARRABEE, Assistant Defender  
Deputy Chief, Appeals Division  
KARL BAKER, Assistant Defender  
Chief, Appeals Division  
ELLEN T. GREENLEE, Defender

Defender Association of Philadelphia  
1441 Sansom Street  
Philadelphia, Pennsylvania 19102  
Identification No. 00001  
(215) 568-3190

July, 2014

112  
page 5  
7

17 the a

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III. STATEMENT OF QUESTION INVOLVED	3
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VI. ARGUMENT	7-15
THERE ARE NO NON-FRIVOLOUS ISSUES PRESERVED FOR APPEAL.	
VII. CONCLUSION	15-16
	12

I swear to tell the truth  
 the whole truth and nothing  
 but the truth

Interve Ne

ii

perjury  
 18 U.S. Code § 1621  
 section 1746 tital 28

**TABLE OF AUTHORITIES**

**FEDERAL CASES**

Anders v. California, 386 U.S. 738 (1967) ..... 4, 5, 8

**STATE CASES**

Commonwealth v. McClendon, 434 A.2d 1185 (Pa. 1981) ..... 2, 4, 5, 7

Commonwealth v. Santiago, 978 A.2d 349 (Pa. 2009) ..... 2, 7, 8, 9, 11,  
12

Commonwealth v. Torres, 630 A.2d 1250 (Pa. Super. 1993) ..... 8

perjury

I. STATEMENT OF JURISDICTION

This Court's jurisdiction to hear an appeal from the judgment or sentence of the Philadelphia Court of Common Pleas is established by §2 of the Judiciary Act of 1976, P.L. 586, No. 142, §2, 42 Pa. C.S.A. §742.

## II. STATEMENT OF SCOPE AND STANDARD OF REVIEW

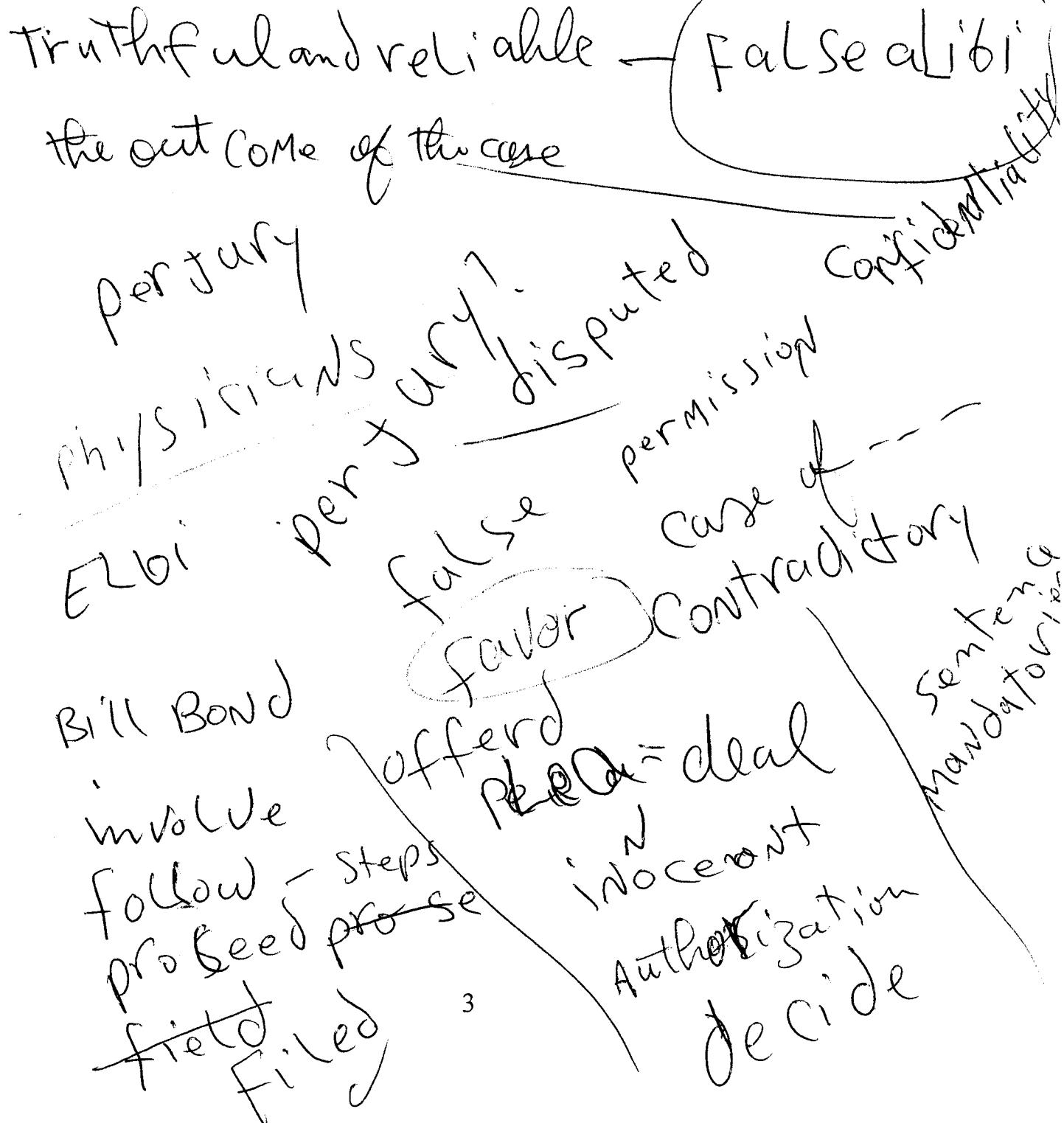
The scope of review in reviewing a request by counsel to withdraw extends to the entire record. The court is to conduct independent review to decide whether the appeal is, in fact, wholly frivolous. Commonwealth v. McClendon, 434 A.2d 1185 (Pa. 1981); Commonwealth v. Santiago, 978 A.2d 349 (Pa. 2009).

ONLY THE TRUTH WILL SET YOU FREE  
SO HELP ME GOD find the truth & fact based on  
the word by the counsel MR:  
«the scope of Review in Reviewing a request by  
COUNSEL to withdraw extend to the entire  
record it is [REDACTED] Lawyer CLINT 2014  
[REDACTED]  
Violation  
Confidentiality  
to the  
the Counsel of  
what → 2015  
perjury means  
of Philadelphia

### III. STATEMENT OF THE QUESTIONS INVOLVED

Was the evidence sufficient to support Mr. Aly's convictions for theft and receiving stolen property? "Was any evidence first"

(Answered in the affirmative by the court below)



MISSING

IV. STATEMENT OF THE CASE

A. Procedural History

to trial before  
The Honorable

Mr Aly went  
of philad Court  
of Municipal  
first

Appellant Ibrahim Aly was arrested on April 18, 2013, and charged with robbery, theft by unlawful taking, receiving stolen property, and simple assault. He was informed against at CP-51-CR-0006077-2013. On August 27, 2013, Mr. Aly proceeded to trial before the Honorable Diana Anhalt of the Philadelphia Court of Common Pleas, sitting without a jury. The trial commenced that day, but was then recessed mid-trial to afford Mr. Aly time to locate a witness. The trial resumed, and was in the jail and had no access to any telephone + don't have any contact

concluded, on September 12, 2013. At the conclusion of trial Mr. Aly was convicted of theft by unlawful taking and receiving stolen property, both as first degree

misdemeanors. Mr. Aly was sentenced that day to time-served to twenty-three months incarceration, followed by two years probation. A post-sentence motion was

filed on September 19, 2013, and denied without a hearing on October 1, 2013. This

If the Court of Common Pleas granted timely appeal followed. a hearing the Judge in Violation to the

Rules of Court prosedning + Rules of Law!  
The post-sentence motion is attached as Exhibit "A." The statement of intent which protect that grant!

to file a brief pursuant to Anders v. California is attached as Exhibit "B," and the trial court's opinion is Exhibit "C." A copy of the letter sent to appellant, in compliance with the requirements of Commonwealth v. McClendon, 434 A.2d 1185 (Pa. 1981) and Anders v. California, 386 U.S. 738 (1967), is attached as Exhibit "D." A petition

Since I find no justice in regardless of people Believe in creation + ALL the send

~~the Counsel Have been fire by Mr. Aly for  
failure to submit the brief after notice for  
extension to sumit the p[re]p[aration]  
by counsel to withdraw is being filed contemporaneously with this brief, in~~

~~compliance with the requirements of Anders and McClendon.~~

~~Judge in the Revelation 2015  
B. Factual History  
police Report~~

~~witness~~

~~write~~

~~forgivene~~

~~Bikhit Radwan was the only witness to testify for the Commonwealth. Mr.  
Judge in the common pleas court 2015 Time to Ask for  
Radwan testified that he owns and operates a newsstand at the corner of Broad and~~

~~Spring Garden Streets in Philadelphia, and that on April 10, 2013, he was working + Xtra  
Bill No Mor right for the stand~~

~~at the newsstand at 11:50 a.m. At that time, Mr. Aly approached him. Mr. Aly Air right  
2015 own Reading Company Down the Right Way  
worked nearby, and Mr. Radwan had known him for about two years. Mr. Aly asked  
Violation to the city of philadelphi a Reletation that  
Mr. Radwan to loan him money. Mr. Radwan refused. Mr. Aly began to insult Mr.  
the police Report never said nothing about the family  
Radwan and his family. They argued, and Mr. Aly reached up to Mr. Radwan's shirt~~

pocket and took money from it. The total taken was two hundred dollars. Mr. Aly

had approached Mr. Radwan before to ask for money, but Mr. Radwan had refused  
~~He Lie~~

~~# He give a fack telephone~~

~~and asked Mr. Aly's family to keep him away. Mr. Radwan went to the police that~~

day and told them what happened, and identified a picture of Mr. Aly (N.T. 8/27/13,

~~10-23). I have a Lawyer from Philadelphia Defender  
Association Her Name is Vramica Williams~~

~~Mr. Aly testified on his own behalf at trial. He testified that he owned a~~

~~business at 425 North Broad Street. On April 10, 2013, he was walking to the library~~

~~when he passed Mr. Radwan. They began arguing, because Mr. Radwan had~~

~~previously called Mr. Aly "crazy." Mr. Aly did curse at Mr. Radwan, and they~~

~~to them by their creator still it is impossible to  
find a true justice as mandated by their own  
order of the Law of their own society by their  
own citizen~~

exchanged words for a time, but Mr. Aly testified that he never took anything from

Mr. Radwan (N.T. 9/12/14, 5-14).

*No first & No Last*

No other evidence was presented. The trial court found Mr. Aly guilty of theft by unlawful taking and receiving stolen property, and acquitted him of the other charges (N.T. 9/12/14, 17).



MR ALY Granted

MR ALY

V. SUMMARY OF ARGUMENT

There are no non-frivolous issues preserved for appeal. Counsel has satisfied the requirements of Commonwealth v. Santiago, 978 A.2d 349 (Pa. 2009), and its precursor, Commonwealth v. McClendon, 434 A.2d 1185 (Pa. 1981), including a thorough review of the record and the notes of testimony, and should be allowed to withdraw.

*You don't understand the Law*

~~Revelation 20's~~  
Why it is a requirement  
Violated My Aly Right  
for  
1-  
2-  
3-

probable

# Violation

## VI. ARGUMENT

THERE ARE NO NON-FRIVOLOUS ISSUES PRESERVED FOR APPEAL.

The Pennsylvania Supreme Court has set forth the requirements counsel must satisfy pursuant to Commonwealth v. Santiago, 978 A.2d 349 (Pa. 2009), and its federal precursor Anders v. California, 386 U.S. 738 (1967).

*(W)*  
*based on*  
*the facts*  
*of record*  
*and law*

[I]n the Anders brief that accompanies court-appointed counsel's petition to withdraw, counsel must: (1) provide a summary of the procedural history and facts, with citations to the record; (2) refer to anything in the record that counsel believes arguably supports the appeal; (3) set forth counsel's conclusion that the appeal is frivolous; and (4) state counsel's reasons for concluding that the appeal is frivolous. Counsel should articulate the relevant facts of record, controlling case law, and/or statutes on point that have led to the conclusion that the appeal is frivolous.

→ Learn The Languish and Lets  
Santiago, at 361. Speect English

This Court must then conduct its own review of proceedings and make an independent judgment to decide whether the appeal is, in fact, wholly frivolous. See also Commonwealth v. Torres, 630 A.2d 1250 (Pa. Super. 1993) (*en banc*).

Counsel made a conscientious examination of the record, the controlling case law and the applicable statutes and asserts that there is nothing in the record that counsel has identified that has any chance for appellate relief. Counsel has identified  
① for the Court those issues that counsel has identified as arguably supporting the  
② appeal and the testimony that would arguably support them and that he has identified

Start the Begif's  
the Counsel turn out from His job  
as a Lawyer to defend His client MARY  
→ and end to be persecuted

The court doesn't  
has any right  
to choose my  
lawyer

→ No + The  
Pennsylvania  
Defender  
Association  
is a  
different  
choice  
by  
Law

for the Court those issues that appellant would have raised on appeal and the testimony that would arguably support them. Counsel has notified appellant of the request to withdraw (attached as Exhibit "D"), furnished appellant with a copy of the brief prepared by counsel, and advised appellant of his right to retain new counsel, or proceed *pro se* and raise any additional points that he may deem worthy of consideration. Having complied with the requirements of Santiago, counsel petitions the court for leave to withdraw.<sup>1</sup>

*Should Counsel make the Court or Ask the appellant*

*WAS THE EVIDENCE LEGALLY SUFFICIENT TO SUPPORT MR. ALY'S first CONVICTIONS FOR THEFT BY UNLAWFUL TAKING AND RECEIVING STOLEN PROPERTY?*

Bikhit Radwan was the only witness to testify for the Commonwealth. Mr. Radwan testified that he owns and operates a newsstand at the corner of Spring Garden and Broad Streets in Philadelphia, and that on April 10, 2013, he was working at the newsstand at 11:50 a.m. At that time, Mr. Aly approached him. Mr. Aly worked nearby, and Mr. Radwan had known him for about two years. Mr. Aly asked Mr. Radwan to loan him money. Mr. Radwan refused. Mr. Aly began to insult Mr.

Radwan and his family. They argued, and Mr. Aly reached up to Mr. Radwan's shirt

*insult to MR PD  
Police report, no word family, after  
MR Radwan nor his, the public Defended can inforce*

<sup>1</sup> Counsel is filing a separate Petition to Withdraw contemporaneously with this brief.

*any new word which distract the case*

pocket and took money from it. The total taken was two hundred dollars. Mr. Aly had approached Mr. Radwan before to ask for money, but Mr. Radwan had refused MR Radwan Lie and asked Mr. Aly's family to keep him away. Mr. Radwan went to the police that day and told them what happened, and identified a picture of Mr. Aly (N.T. 8/27/13,

10-23).  
what the name of my Lawyer

Mr. Aly testified on his own behalf. He testified that he owned a business at 425 North Broad Street. On April 10, 2013, he was walking to the library when he passed Mr. Radwan. They began arguing, because Mr. Radwan had previously called Mr. Aly "crazy." Mr. Aly did curse at Mr. Radwan, and they exchanged words for a time, but he testified that he never took anything from Mr. Radwan (N.T. 9/12/14, 5-14).

No other evidence was presented. The trial court found Mr. Aly guilty of theft by unlawful taking and receiving stolen property, and not guilty of the other charges (N.T. 9/12/14, 17).

The crime of theft in Pennsylvania is defined by the following language: "A person is guilty of theft [by unlawful taking] if he unlawfully takes, or exercises unlawful control over, movable property of another with intent to deprive him thereof." 18 Pa. C.S. §3921(a). Similarly, the offense of receiving stolen property is defined: "A person is guilty of [receiving stolen property] if he intentionally receives,

W) Everyone  
take about the evidence

retains, or disposes of movable property of another knowing that it has been stolen

but no one ever said

... 18 Pa. C.S. §3925(a).

what is the trial evidence which  
what is it ??

Here, Mr. Radwan, the complainant, testified at trial that Mr. Aly took \$200

Common Pleas Court 2008

from him and kept it. This trial evidence clearly satisfies the statutory elements of

what kind (what) ??

both theft by unlawful taking and receiving stolen property. Therefore, after

We should consider the Admissibility of the evidence. what is the  
considering the appropriate legal authority as well as all the facts on record, counsel  
what they get or have against MR Aly. We dont know  
has determined that any challenge to the sufficiency of the evidence for those offenses

would be frivolous.

What is the evidence  
persecution

Counsel states that pursuant to the requirements of Commonwealth v. Santiago,

978 A.2d 349, 361 (Pa. 2009), counsel has reached the conclusion, after a detailed

review of the record and the applicable law, that there are no non-frivolous issues to

appeal.

You don't know the Law!

Conunsel Should Reached the

fact Conclusion after study MR Aly

Cause from police Record, witness

Court Record

no  
misrepresentation

but to study a record and to reached

to conclusion based in any other record

it is against the Law, you are the lawyer

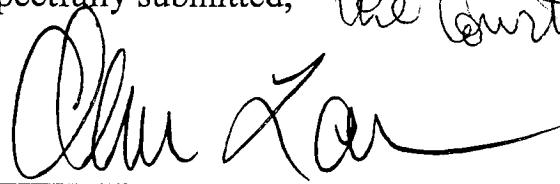
by Court choice not by MR Aly, choose

You must study MR Aly Court Record first

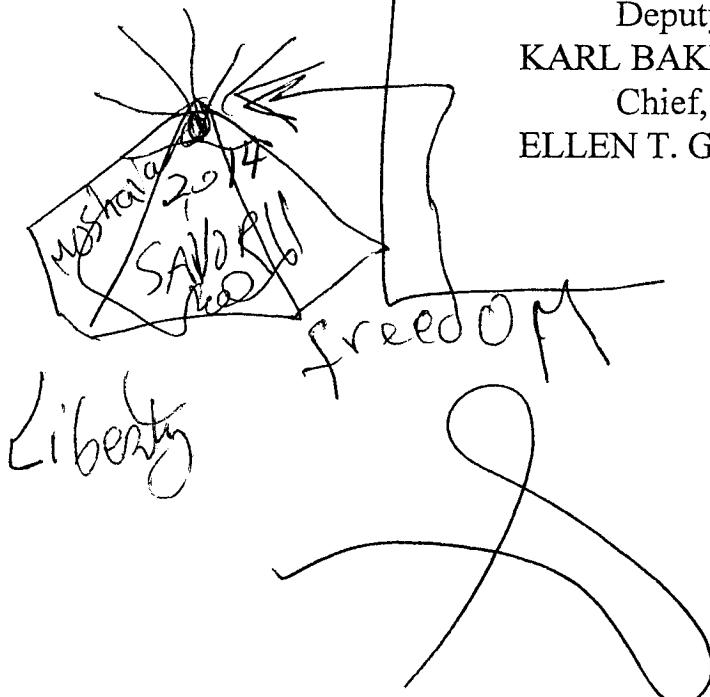
## VII. CONCLUSION

After making a conscientious examination of the record, the controlling case law and the applicable statutes, counsel has determined that this appeal would be wholly frivolous, and having complied with the requirements of Commonwealth v. Santiago, 978 A.2d 349 (Pa. 2009), counsel petitions this Court for leave to withdraw.

Liberty train from the End of Salvery not only  
that V. 26/4 Respectfully submitted, the Court of Justice  
gashed for Justice



VICTOR RAUCH, Assistant Defender  
OWEN W. LARRABEE, Assistant Defender  
Deputy Chief, Appeals Division  
KARL BAKER, Assistant Defender  
Chief, Appeals Division  
ELLEN T. GREENLEE, Defender



+ now the  
judgment  
day  
on date  
5-5-15  
capital  
almost  
and founded

Conclusion

Revelation  
\$ Marshall  
Major  
Assault

FILED  
09/19/2013 03:46:41 PM  
Post Trial Unit  
By: P. GRA

DEFENDER ASSOCIATION OF PHILADELPHIA  
BY: ELLEN T. GREENLEE, Defender and  
Veronica Williams, Assistant Defender

A COPY OF THIS  
DOCUMENT HAS BEEN  
RECEIVED BY THE  
DISTRICT ATTORNEY

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

RECEIVED

OCT 01 2013

Identification No. 00001  
1441 Sansom Street  
Philadelphia, Pa. 19102  
(215) 568-3190

ACTIVE CRIMINAL RECORDS  
CRIMINAL MOTION COURT

Attorney for Ibrahim Aly

COMMONWEALTH OF PENNSYLVANIA	:	COURT OF COMMON PLEAS
	:	COUNTY OF PHILADELPHIA
V.	:	CRIMINAL TRIAL DIVISION
	:	
IBRAHIM ALY	:	CP-51-CR-0006077-2013
	:	CHARGES: Theft – Unlawful Taking
		M1, Receiving Stolen Property M1

ORDER

AND NOW, this 1 day of October, it is HEREBY ORDERED that a hearing be granted on the Motion for Reconsideration, to take place on the day of 2013, in Courtroom of the Criminal Justice Center.

*Denied Without a Hearing*

BY THE COURT:

*Diana L Anhalt*

HONORABLE DIANA L. ANHALT

Who granted the ~~Motion~~ "hearing" for the Motion  
 A it is the Court      *\*Can the judge denies what the court and the rules of Law granted?*  
 B it is the judge      *Then why they* *Revelation 13:14*  
*5-5-2013*

**Exhibit "A"** Call it APPEAL

DEFENDER ASSOCIATION OF PHILADELPHIA  
BY: ELLEN T. GREENLEE, Defender and  
Veronica Williams, Assistant Defender

Identification No. 00001  
1441 Sansom Street  
Philadelphia, Pa. 19102  
(215) 568-3190

Who So To  
Defend HIS  
CLINT MR ALY  
in Accordance  
to the Statute  
Attorney for Ibrahim Aly Of Law  
Explain

COMMONWEALTH OF PENNSYLVANIA : COURT OF COMMON PLEAS  
: COUNTY OF PHILADELPHIA  
V. : CRIMINAL TRIAL DIVISION  
IBRAHIM ALY : CP-51-CR-0006077-2013  
: CHARGES: Theft – Unlawful Taking  
M1, Receiving Stolen Property M1

The judge can not denies what the Court  
grant in Accordance to the Law

MOTION FOR RECONSIDERATION OF VERDICT AND SENTENCE  
is't the judge ~~person~~ to Accep~~t~~ or Refuse what  
TO THE HONORABLE DIANA L. ANHALT, RESIDING IN COURT OF COMMON  
PLEAS FOR THE COUNTY OF PHILADELPHIA:  
the Court granted a Hearing in Accordance to the  
Petitioner, Ibrahim Aly, by his attorneys, Veronica Williams, Assistant Defender, and with her,  
Ellen Greenlee, Defender, respectfully represents that:

Law?

1. On April 18, 2013, Petitioner was arrested and charged with one count each of Robbery as a felony of the third degree, Theft – Unlawful Taking, Theft – Receiving Stolen Property, and Simple Assault.
2. On September 12, 2013, after a trial in this matter, this court found Petitioner guilty of one count each of Theft – Unlawful Taking as a misdemeanor of the first degree as well as Receiving Stolen Property as a misdemeanor of the first degree.
3. On September 12, 2013, this court sentenced Petitioner to time served to 23 months incarceration plus two years of probation to run concurrent to that sentence, along with

the ~~defender~~ is the right to Appeal  
has gon If the judge granted to  
himself with the agreement of ~~the~~ other  
parties including my lawyer

the Complain~~ing~~ - Can not be witness  
the Don't have  
any

\$200 restitution and a stay away order.



4. This court relied on the testimony of the complain~~ing~~ witness when determining the verdict and sentence. This testimony was unreliable. Petitioner testified on his own behalf and denied taking anything from the complaining witness.

WHEREFORE, Petitioner begs this Court to grant an appropriate hearing date for this motion.

Petitioner never  
begs the court  
it is the Law  
nor begs in law it is granted  
by the Supreme Law of the Land  
the United States of America Constitution  
+ the Bill of Rights

Respectfully Submitted,

\_\_\_\_\_  
Veronica Williams, Assistant Defender,  
and with her,  
ELLEN T. GREENLEE, Defender

to grant a hearing

VERIFICATION

The facts set forth in the foregoing are true and correct to the best of the undersigned's knowledge, information and belief and are verified subject to the penalties for unsworn falsification to authorities under Title 18, § 4904 of the Pennsylvania Crimes Code.

---

Veronica Williams, Assistant Defender,  
and with her,  
ELLEN T. GREENLEE, Defender  
ATTORNEYS FOR PETITIONER

September 19, 2013

FILED  
03/10/2014 11:22:03 AMPost Trial Unit  
By: P. MCI

If theAppeals with the SUPERIOR  
Court where My Record at and there is  
No more issue with the Lower Court (the COMMON PLEAS)

## DEFENDER ASSOCIATION OF PHILADELPHIA

BY: Ellen T. Greenlee, Defender, and  
Victor Rauch, Assistant DefenderIdentification No. 00001 a BRIEF?  
1441 Sansom Street  
Philadelphia, PA 19102  
(215) 568-3190

then why they ~~say~~ write  
to that court ???

Attorney for IBRAHIM ALY

COMMONWEALTH OF PENNSYLVANIA

: COURT OF COMMON PLEAS  
: CRIMINAL TRIAL DIVISION  
: CP-51-CR-0006077-2013

v.

: SUPERIOR COURT  
: 2856 EDA 2013

IBRAHIM ALY

→ it is required by Law to write to the Higher or  
STATEMENT OF INTENT TO FILE A BRIEF PURSUANT TO ANDERS/McCLENOD Lawyer  
or both?

TO THE HONORABLE JUDGE DIANA L. ANHALT:

The above defendant, Ibrahim Aly, by counsel, Victor Rauch, Assistant Defender, Appeals  
Division, Owen Larrabee, Assistant Defender, Deputy Chief, Appeals Division, Karl Baker,  
Assistant Defender, Chief, Appeals Division, and Ellen T. Greenlee, Defender, respectfully  
represents: *No Right to Direct + Order My Lay out of new  
Violation of month*

1. On October 21, 2013, this Court issued an order pursuant to Pa. R.A.P. 1925(b) for counsel

to file a Concise Statement of Errors Complained of on Appeal within 21 days. On

November 6, 2013, this Court granted counsel's request for an extension of time to file the

statement of errors, to within twenty-one days of counsel's receipt of the completed notes of  
testimony. Counsel received the completed notes of testimony on February 21, 2014.2. Counsel has reviewed the available record and has determined that there are no non-frivolous  
issues preserved for appeal in this matter. Consequently, pursuant to Pa. R.A.P. 1925(c)(4),

counsel hereby gives notice of his intent to file a brief compliant with the requirements of

*why it takes for Month to completed notes  
of testimony*

Commonwealth v. McClendon, 434 A.2d 1185 (Pa. 1981) and Anders v. California, 386 U.S. 738 (1967).

Respectfully Submitted,

/S/

---

Victor Rauch, Assistant Defender  
Owen Larrabee, Assistant Defender  
Deputy Chief, Appeals Division  
Karl Baker, Assistant Defender  
Chief, Appeals Division  
Ellen T. Greenlee, Defender

My Lawyer found me  
Guilty before Common Plea  
Court opinion !

2014 time  
Wander

VERIFICATION

The facts set forth in the foregoing are true and correct to the best of the undersigned's knowledge, information and belief, and are verified subject to the penalties for unsworn falsification to authorities under Pennsylvania Crimes Code Section 4904 (18 Pa.C.S. §4904).

/S/

Victor Rauch, Assistant Defender

Date: March 10, 2014

Why my Counsel never inform that  
Ally that he will be leaving so he  
give him enouf time  
— did my Counsel which I consider  
Him as My prosecution not a Lawyer  
in my case, but that how the public Defender work  
never give me enouf time since he know HIS  
own intend to leave on Date March 10, 2014  
and He send his letter on date of 7-22-  
2014

Violation  
No Right for Court to Get  
Lawyer + Judges  
DEFENDER ASSOCIATION OF PHILADELPHIA  
BY: Ellen T. Greenlee, Defender, and  
Victor Rauch, Assistant Defender  
Identification No. 00001  
1441 Sansom Street  
Philadelphia, PA 19102  
(215) 568-3190

Attorney for IBRAHIM ALY

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

CRIMINAL TRIAL DIVISION  
CP-51-CR-0006077-2013

SUPERIOR COURT

2856 EDA 2013

IBRAHIM ALY

Never ASK MY  
Lawyer to file

a statement of Errors on behalf of MR

IBRAHIM ALY

I hereby certify that I am this day, via E-File, serving upon

HONORABLE DIANA L. ANHALT  
1405 CRIMINAL JUSTICE CENTER  
1301 FILBERT ST.

PHILADELPHIA, PA 19107

HUGH BURNS

CHIEF, APPEALS UNIT

DISTRICT ATTORNEY OF PHILADELPHIA

WIDENER BUILDING

3 SOUTH PENN SQUARE

PHILADELPHIA, PA 19107

Judicial System + ALL GOVERNMENT EMPLOYEE  
a copy of the Statement of Errors Complained of on Appeal being filed on behalf of the

defendant in the captioned matter.

but also to the DEFENDER LAWYERS

as to the District Attorney

did VICTOR RAUCH represent MR ALY

What Court?

Date: March 10, 2014

/S/  
Victor Rauch, Assistant Defender  
Defender Association of Philadelphia  
1441 Sansom Street  
Philadelphia, PA 19102

U.S.  
Right Way Authority 5-5-15

No one Above the Law

Lucky day  
Apellant has been  
tray before in same case before in Philadelphia Court

IN THE COURT OF COMMON PLEAS Municipal  
FOR THE COUNTY OF PHILADELPHIA

CRIMINAL DIVISION TRIAL

COMMONWEALTH  
OF PENNSYLVANIA

v.

IBRAHIM ALY

: NO.: CP-51-CR-0006077-2013

: Superior Court No.:  
2856 EDA 2013

ANHALT, J.

Appellant in the above-captioned matter appeals his conviction for Theft By Unlawful Taking and Receiving Stolen Property. The Court submits the following Opinion in accordance with the requirements of Pa. R. A. P. 1925. For the reasons set forth herein, this Court's decision should be affirmed.

PROCEDURAL HISTORY

① Time  
On April 10, 2013, Appellant Ibrahim Aly, was arrested and charged with Robbery, Simple Assault, Recklessly Endangering Another Person, Theft By Unlawful Taking and Receiving Stolen Property. Appellant went to trial before this Court on August 27, 2013, and the trial was bifurcated until September 12, 2013 where the Court found Appellant guilty of Theft By Unlawful Taking and Receiving Stolen Property. On that date, the Court sentenced Appellant to time served to 23 months of incarceration plus two years of concurrent probation.

Appellant filed this timely appeal of the Court's decision on October 11, 2013. On October 21, 2013, this Court ordered Appellant to file a concise statement of the matters complained of on appeal pursuant to Rule 1925(b) of the Pa. R. A. P. On November 5, 2013, Appellant's counsel requested an extension of time to file a Supplemental 1925(b) Statement of

There is no

Exhibit "C"

before letter  
addressed to Victim  
Kawach

Can the MR ALY Counsel leave the case  
on March 10/2014 ??? before Having

Matters Complained of on Appeal because all the notes of testimony had not yet been transcribed  
 and the Court granted this request. Appellant did not file a 1925(b) Statement with the Court but

rather on March 10, 2014, Counsel for Appellant notified the Court that he intends to file an  
Anders/Santiago brief in this case as there are no non-frivolous issues for appeal.

### FACTUAL HISTORY

At the trial for the Appellant the complainant, Bikhit Radwan, testified that on April 10,  
2013, around 11:50 in the morning, he was working at his newsstand located at Broad and Spring

Garden Street which he has operated since 2005. (N.T., 8/27/13, pp. 11-12). He went on to  
 testify that he was working alone that day which he usually does when he was approach by the

Appellant who he had known for about two years or so from Appellant owning a sandwich store  
 a block down from him located at 425 North Broad Street. (N.T., 8/27/13, pp. 12-13). Mr.

Radwan testified that Appellant came to him that day and asked him for a thousand dollars which  
 Appellant had done on previous occasions. (N.T., 8/27/13, p. 13). Mr. Radwan had never given

him any money before and when Mr. Radwan told him that day that he was not going to give (2)  
him any money. [Appellant started to insult him and his family] Appellant then reached into Mr.

Radwan's left breast pocket and took out money. (N.T., 8/27/13, p. 13). Mr. Radwan  
 specifically testified that he thought Appellant was going to hit him but Appellant was reaching

to grab the money out of his pocket and Appellant told him that you don't speak English so he  
 could not do anything about it. (N.T., 8/27/13, p. 15). Mr. Radwan testified that Appellant had  
 taken two hundred dollars from his pocket which he never got back. (N.T., 8/27/13, pp. 17-18).

Afterwards Mr. Radwan went down to the police station to make a report about the incident and  
 he was able to identify the Appellant from pictures that police showed him. (N.T., 8/27/13, p.  
 18).

page 2

Lesson 2 History

in the Court Record I demand  
asking MR Radwan  
for 1000 dollar N.T. need prove of Admit

Appellant testified at trial that his sandwich store at 425 North Broad Street had closed about a year ago and he testified that he was in that location that day to go to the library. (N.T., 9/12/13, p. 8, 10). Appellant testified that there was some type of altercation between him and

Mr. Radwan that day where he was yelling and cursing at him but that he did not take any money

from Mr. Radwan. (N.T., 9/12/13, pp. 6-8). Appellant did admit to asking Mr. Radwan for a thousand dollars that day and on a previous occasion but testified that he did not take any money

from him that day. (N.T., 9/12/13, p. 8).

### DISCUSSION

The evidence in this case was sufficient to sustain Appellant's conviction for Theft By Unlawful Taking and Receiving Stolen Property. In evaluating a challenge to the sufficiency of

the evidence, the reviewing court must "determine, whether, viewing the evidence in the light

most favorable to the Commonwealth as the verdict winner, together with all reasonable

inferences therefrom, the trier of fact could have found that each and every element of the crimes

charged was established beyond a reasonable doubt." Cmmw. v. Lee, 956 A.2d 1024, 1027 (Pa.

Super. Ct. 2008). This standard of deference "is not altered in cases involving a bench trial,

because the 'province of a trial judge sitting without a jury is to do what a jury is required to

do.'" Id. (quoting Cmmw. v. Lambert, 765 A.2d 306, 362 (Pa. Super. Ct. 2000)). This standard is

"equally applicable to cases where the evidence is circumstantial rather than direct so long as the combination of the evidence links the accused to the crime beyond a reasonable doubt." Cmmw.

v. Swerdlow, 636 A.2d 1173, 1176 (Pa. Super. Ct. 1994). "Unless the evidence presented at trial is 'so weak and inconclusive that as a matter of law, no probability of fact can be drawn from the

combined circumstances,' the verdict should not be disturbed on appeal." Lee at 1027-28 (Higher Court

(quoting Cmmw. v. Davis, 799 A.2d 860, 866 (Pa. Super. Ct. 2002)).

Violation to the Supreme Law of the Land  
the Judge must uphold the Law

The question is did Mr Aly commits the crime?  
What is the evidence.

A person commits the crime of theft by unlawful taking if he unlawfully takes, or exercises unlawful control over, movable property of another with intent to deprive him thereof.

18 Pa.C.S.A. § 3921(a). To uphold a conviction for theft by unlawful taking, the

Commonwealth must establish the accused "unlawfully takes, or exercises unlawful control over, movable property of another with intent to deprive him thereof." 18 Pa.C.S.A. § 3921(a). A

person is guilty of receiving stolen property if he intentionally receives, retains, or disposes of movable property of another knowing that it has been stolen, or believing that it has probably

been stolen, unless the property is received, retained, or disposed with intent to restore it to the

owner. 18 Pa.C.S.A. § 3925. The elements of receiving stolen property may be stated as: (1)

intentionally acquiring possession, control or title, retaining, disposing, or lending on the security of movable property of another; (2) with knowledge or belief that it was probably stolen; and (3)

intent to deprive permanently. Cmmw. v. Young, 35 A.3d 54 (Pa Super. 2011); see also 18

Pa.C.S.A. § 3901.

No one ever talk about that evidence! what was it??

The Court in the instant case found that the evidence was sufficient to establish a theft by

unlawful taking as well as receiving stolen property. Viewing the evidence in the light most

favorable to the Commonwealth, as verdict winner, with all reasonable inferences drawn there

from, the Court concluded beyond a reasonable doubt that Appellant had taken the two hundred

dollars from Mr. Radwan left breast pocket which is what Mr. Radwan testified and that made up

the crimes of theft by unlawful taking as well as receiving stolen property. Furthermore,

MR Radwan lie about the witness - fact questions of witness credibility and the weight to be afforded the evidence are within the sole

province of the finder of fact, who is free to believe all, part, or none of the evidence.

Commonwealth v. Woods, 432 Pa. Super. 428, 638 A.2d 1013, 1015 (1994); Commonwealth v.

the Judge explain her opinion  
in regard to the interpretation  
of the Law Regardless to case of Mr Aly  
witness credibility  
what Mr Radwan test  
and that made up the  
crimes

page  
5

Mayfield, 401 Pa. Super. 560, 585 A.2d 1069 (1991). Here, the Court found that the testimony of Mr. Radwan was entirely reasonable and credible more so than the testimony of the Appellant.

CONCLUSION

HE IS LYING

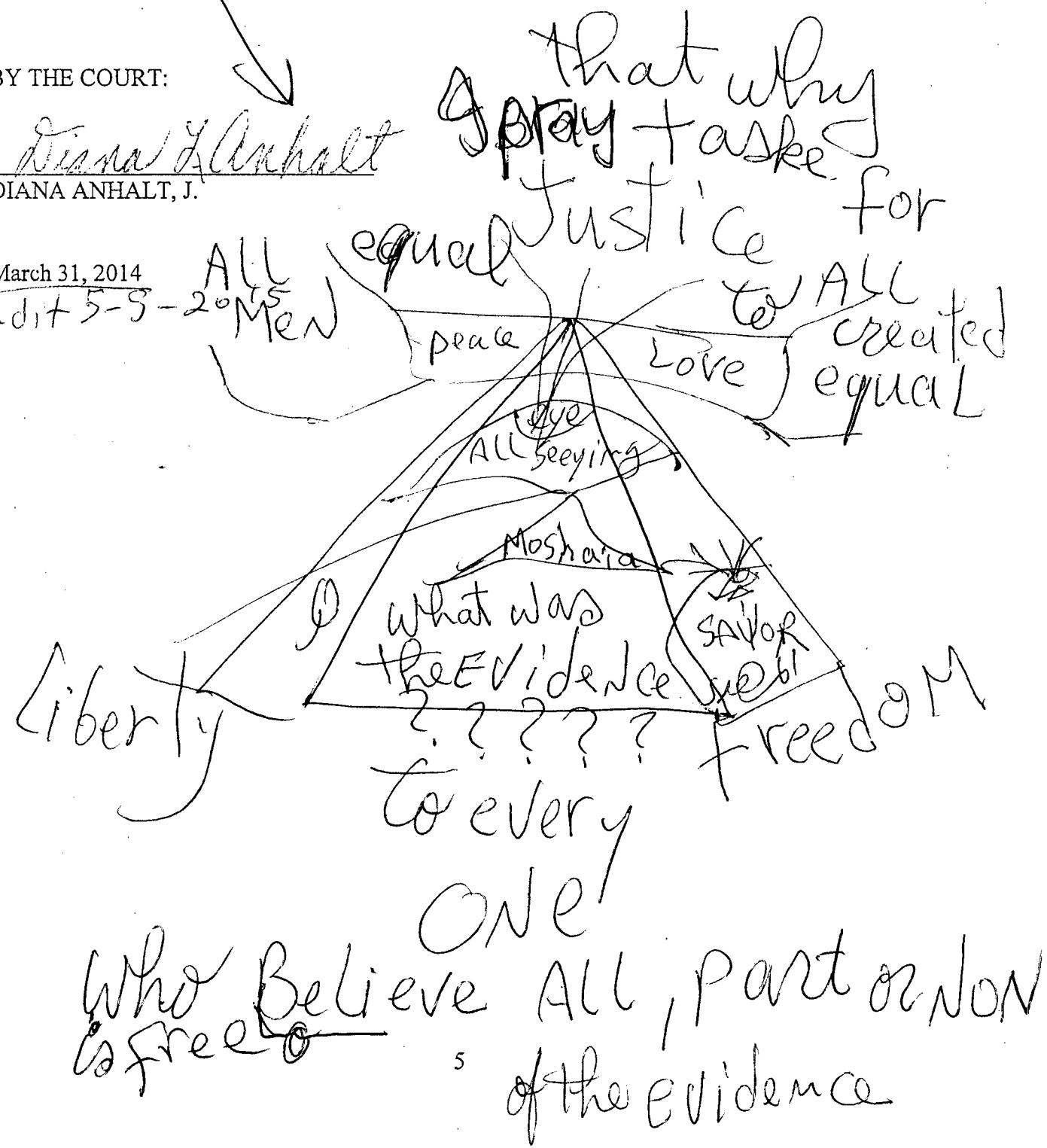
For the foregoing reasons, the Court's finding of Appellant guilty of Theft By Unlawful Taking and Receiving Stolen Property should be affirmed.

BY THE COURT:

DIANA ANHALT  
DIANA ANHALT, J.

March 31, 2014

Audit 5-5 - 2<sup>nd</sup> M<sup>o</sup>S



The Law Revision Reading  
The City of Philadelphia Company  
PROOF OF SERVICE

I hereby certify that on the date set forth below, I caused an original copy of the Judicial Opinion to be served upon the persons at following locations, which service satisfies the requirements of Pa.R.A.P. 122:

Victor Rauch, Esquire  
Karl Baker, Esquire  
1441 Sansom Street  
Philadelphia, PA 19102

Hugh Burns, Esquire  
Philadelphia District Attorneys Office  
Three South Penn Square  
Philadelphia, PA 19107

Violation

Date: 4-3-14

Audit 5-5-2015

By Diana Anhalt

Diana Anhalt, Judge

owner Liberty property 188 Arch, LP  
" " 188 Arch Hotel LLC

DI DC/DEVELOPMENT Management Corp  
C/O Liberty property trust

500 chesterfield MALVERN PA 19355  
215 255 7644

Developer Liberty Property Limited

Partnership 215 255 7644

www.libertyproperty.com

**DEFENDER ASSOCIATION  
OF PHILADELPHIA**

1441 Sansom Street  
Philadelphia, PA 19102  
(215) 568-3190

ELLEN T. GREENLEE  
DEFENDER

July 18, 2014

Date: -

Mr. Ibrahim Aly  
425 ½ N. Broad St.  
Philadelphia, PA 19123

Re: Commonwealth v. Ibrahim Aly  
CP-51-CR-0006077-2013  
2856 EDA 2013

Dear Mr. Aly,

In accord with Commonwealth v. McClendon, 495 Pa. 467, 434 A.2d 1185 (1981), and Anders v. California, 386 U.S. 738 (1967), you are hereby informed that after making a conscientious examination of the record in your case, counsel has determined the appeal would be wholly frivolous and is filing a request to withdraw from/further representation of you in the above-captioned matter.

You have the right to retain new counsel or to proceed *pro se*, and may raise any additional points that you may deem worthy of consideration, by writing directly to the Superior Court. A copy of the Anders – compliant brief is enclosed, as well as a copy of our petition to withdraw as counsel.

Sincerely,

  
Victor Rauch

Assistant Defender  
Appeals Division

215-560-5800

IN THE SUPERIOR COURT OF PENNSYLVAINA  
SITTING AT PHILADELPHIA

EDA 2013 NO. 2856

COMMONWEALTH OF PENNSYLVAINA

VS.

IBRAHIM ALY  
APPELLANT

BRIEF FOR APPELLANT

APEAL FROM THE JUDGMENT ~~OF~~ SENTENCE OF THE COURT OF COMMON  
PLEAS OF PHILADELPH COUNTY, TRAIL DIVISION, CRIMINAL SECTION,  
ORDER ENTERED SEPTEMBER 12, 2013, IMPOSED ON CP - 51 - CR 0006077  
- 2013

PRO SI  
IBRAHIM ALY  
DEFENDENT  
AKA 4251/2 NORTH BROAD STREET  
PHILADELPH, PENNSYLVAINA 19123  
(215) 459 - 6044

DATE : September , 2014

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## TABLE OF AUTHORITIES CASES

THE UNITED STATES OF AMERICA CONSTITUTION AND THE BILL OF RIGHT  
amendment 14 civil right us cons  
United States Constitution Amendment 14  
Amendment XIV section 1 cons.  
Amendment VIII civil right United States cons. "Nor cruel and unusual punishments inflicted"

### FEDERAL LAW

rules 5 " federal rules of criminal procedure"  
Federal Title 28 of the United States Code U.S.C right to due process

### PENNSYLVAINA STATE LAW

simmons 336A.2d 624,233pa super 547, 1975."  
the law of the Commonwealth of Pennsylvain Article 1&9  
re cambria county cleark of courts 13D & C. 3 d710 -1980 ) and ( oblakovich vs, Mc  
Cormic 7D.&C, 3d 590 (1970 )  
Sate Rule of civil procedure 208.3 (a)  
( quoting Cmmw.v.Lmbert 765A. 2D 306, 302 ( pa .Super. Ct 2000 )  
( daddonar v. thind A.2d 786 pa commonwealth 2006)

### COUNTY RULES AND REGULATION

Phiadelphia City Counsel order  
0.

I.

**STATEMENT OF JURISDICTION**

This Court's Jurisdiction to hear an appeal from the judgment : verdict and sentence of the Philadelphia Court of Common Pleas as established by § 2 of the Judiciary Act of 1976,P. L. 586 , No. 142, § 2 , 42 Pa. C.S.A. §742

**SCOPE OF STATEMENT'S AND STANDER OF REVIEW**

THE SUPPERIOR COURT HARNABLE JUDGE'S TO CONDUCT INDEPENDENT REVIEW TO DECIDE THE FACT ABOUT THE APPEAL

**STATEMENT OF THE QUESTIONS INVOLVED**

Was the evidence sufficient to support Mr. Aly's convictions for theft and receiving stolen property as the interpretation to law and statue implied

Qestion and Answered by all the parties involve in the case as follow

# STATEMENT OF THE CASE

## A. Procedural History

1 – Mr Radwan filed a Police Complaintt on Date of this encident : 4-10-2013 location 500 n.Broad street , phila. Stated that :

MrALY asked Mr Radwan for one thouthand dollor to fly to egypt

Mr Aly asked Mr radwan three times before everytime a thousand dollars all deferent reasons

Mr Aly punched Mr Radwan one time in the chest not real but he bunch and then reached into his shirt and took \$ 200 .

2- philadelphia county district Attorney Mr R.Seth William charge Mr Aly without a probable cause and order of Mr Aly arrest without due prosess of the law Case N. 51CR00148432013 :

Count 1 robbery – take property fr<sup>m b</sup> other /force (f3)  
Count 2 theft by unlaw taking movab prop (M1)  
Count 3 Receiving stolen property (M1)  
Count 4 simple assault (M2)

3- Philadelphia County Court of Common Pleas issue Warrant of Arrest on date:  
04\16\2013

4- Philadelphia County Municipal Court issue a Supoena to appear on Municipal Court  
on date : 04\18\2013

5 - On April 17, 2013 time 10:30 AM Mr Aly was arrested by Det. Gallagher # 9218

6 - On April 17,2013 Mr Aly appear Before the Philadelphia Bill Bond Commission found Mr Aly guilty for all the charges and send him to jail

7- On May 7, 2013 Preminary Hearing At the Phiadelphia Municipal Court by the Honorable Judge Marvin L. Williams, J and The Commonwealth Prosecuter Divid Lim found Mr Aly Guilty and Judge Marvin L. Williams order Mr Aly while he was inconcerated in Jail that there's to be no contact whatsoever with Mr Radwan and Mr Aly to be held for Municipal Court On May 28<sup>th</sup> , 11:00 a.m. ( N.T. May 07,2013 P.12 )

8- Mr Aly had been instructed by Defendant Association of philadelphia Ms. Paula Sen that " He does not have any right for cross exemenation in the Preminary Hearing at the Municipal Court and only can be done at Trail in Court of Common Pleas"

9-the court date of May 28 th, 2013 nevr took place and there wasn't a any new or other date from the Municipal Court , Mr Aly found guilty without any right as Court requirement to be--- and the appeal to the Court of Common Pleas done without the need to file -----

10- while Mr Aly in the Jail he get offerd for a pena deal by the defender association of philadelphia and he refused the deal and he maintain his inoceont

11 - Mr Aly hold for Trail without a Jury do to the fact there is a long whaiting list demanding a joury trail as his public defendants Vernica William adviced Mr Aly will he is in jail. Either to have a trail witout a jury is fast or waite for jury on 2014

12- on august 27, Mr Aly appeare at the Court of Common Pleas Before : the Honorable Diana Anhalt. J She heared Mr Aly two pro se Motions the first to quash the and the second to reduce the bill . And the Judge will try to get the Witnesss phone number from Mr Radwan, last The court order Mr Aly to be back On 9-9 – 2013

13- On September 12, 2013 . Mr Aly was convicted of theft by unlawful taking and recieving stolen property both as first degree misdemeanors . Mr Aly was sentenced that day to time served to twenty three months incarceration plus two yeas probation

14- On October 1,2013 Mr Aly filed for Motion for Reconsideration of Verdict and Sentence , Judge L.Anhult Denied Without a Hearing

15- Mr Aly filed for an Appeal To Superior Court on the date of october 04 - 2013

***B . Factual History***

Mr Radwan was the only witness to testify for the Commonwealth. And no evidence was presented.

**SUMMARY OF ARGUMENT**

AFTER REVIEW THE RECORD AND THE NOTES OF TESTIMONY , APPEALANT MR IBRAHIM ALY PRO SE : THE ISSUES PRESERVED FOR APPEAL AS FOLLOW :

FIRST THERE WAS NO EVIDENCE AT ALL TO WARRANT THE ARREST  
POLICE AND THE BILL BOND COMMISSION VIOLATION TO RULE OF  
LAW

SECOND PHILADELPHIA COUNTY DISTRICT ATTORNEY AND  
COMMONWEALTH  
OF PENNSYLVANIA PROSECUTER VIOLATION TO THE RULE OF LAW

THIRD MR RADWAN HAD GIVEN CONTRADICTORY AND FALSE TESTIMONY  
IN COURT THAN HIS TESTIMENTS IN INCIDENT REPORT DATED  
04\10\2013

FORTH THE MUNICIPAL COURT , THE COMMON PLEAS COURT ABUSE ITS  
DECREE IN RULING AND PERSEGING

FIFTH VIOLATION OF DEFENDER ASSOCIATION OF PHILADELPH ATTORNY  
TO THE  
RULE OF LAW

SIXTH JUDGE OPNION VIOLATION TO COMMON LAW STATE , FEDERAL , THE  
UNITED *Law + US*  
STATE CONSTITUTION AND THE BILL OF RIGHT

3

Attorney General (Law perision)  
Require that only the Notefaction first  
please can

## ARGUMENT

### FIRST

#### A- POLICE violation to rule of law

i) police report stated that no other Witnesses were present during this incident and no video, but there other stands in 20 feet, sales people Witnesses to what happen and there is a video located on septa elevator 15 feet from his news stand

2015  
X ii) the arrest warrant was unconstitutional because Mr Aly under the jurisdiction of the Municipal Court in accordance to his subpoena order.

X iii) the investigation police report done in the date of 04\18\2013 after the arrest order in date of 04\16\2013. police the investigation should done first before the request of arrest order not after to establish the real fact about the allegation "The probable cause" in accordance to the due process of law

#### B- Philadelphia Bill Bond Commission violation to Rules of law

i ) All adults arrested and charged with a felony or misdemeanor appear before a bail commission for a formal bail arraignment proceeding" the is issue is who have the first right for Mr Aly to appear before is it the Bill bond Commission or the Municipal Court , in Mr Aly case this rule had been applied as a procedures requirement by the county of philadelphia court system in violation to "Municipal Court" rules which has initial jurisdiction in processing every criminal arrest in philadelphia " in accordance to first judicial district of pennsylvania

② ii ) violated to rules 5 " federal rules of criminal procedure" as grantee requirement by federal statute for Mr Aly initial to lower court appearance which must occurs first as federal law mandated so the county of philadelphyia court procedure system can establish the fact about the allagation then it may follow by the bill commission apperance to sets the amount of bill bond if Mr Aly found guilty first in accordance to his constitution right law

① ✓ iii ) violation to the pennsylvaina General Assembly as the only state law authority to established court rules and regulation .

✓ ④ iv) the first judicial district of pennsylvaina composed of two courts which make up the philadelphia county court system the municipal court and the common pleas court. The bill bond commission

is not a part of the first judicial district assign judge plus the philadelphia county cannot inforce any rules if this rules violated the state law, federal law and the united states of America constitution and the bill of rights. *which is granted voting right act + inforcement*

v) The Philadelphia Bill bond Commission does not have any legal right to act as a judge and also he lack the jurisdiction over the case becuse the due prosess law demand the apperace before a judge first, the bill bond commission lack the quilation to be a judge becuse it demand the knowledge of court procedure and due prosess of law

v) the bill bond Commission in violation to the order of the Municipal Court which granted the defendants Ibrahim Aly the right to testifying on April 18, 2013 instead he act like judge , He found Mr Aly guilty and he issue a judgment of conviction and jail in violation to defendants right to the due prosess of law as a safegurd due to the serious nature of the charges,

the rights for the defendants to defend himself aginest any allagation as set by the law of the

7

Commonwealth of Pennsylvain Article 1&9 provides as follows " in all criminal prosecution the accused has a right to be heard by himself and or by his council to demand the nature and cause of the accusation against him , nor can he be deprived of his life liberty or property without the due prosess of the law "

**SECOND Philadelphia County District Attorney and the Comonwealth violation to rule of law**

*Mr. Radwan Commit perjury He cant be a Cridible witness. Explain*

i-equal justice for all that the United States law in the past , at present time and in the future accordance to all law statue, states, federal and constitution, the rules of law granted Mr Aly a preliminary hearing in a system designed as a safeguard against unresoneable arrest and detention . The hearing is condected to determine the probale cause and whether there is sufficient evidence to hold Mr Aly for trail , the question is do Mr Aly is an equal partner in his case and have equal right as granted by law ! In Mr Aly case, the Pennsylvaina Commonwealth prosecutor Divid lim violated Mr Aly equal right as a defendants who granted an equal right as the plaintif had , Divid Lim establish his own probale cause based on one side of the case Mr Radwan only allegation Without any referance to Mr Aly part in the case. Mr Aly never claim his fifth amandement at that time and he never get his right for Cross-examintion as mandatories by the law.

Mr Aly had to prove Mr Radwan false testimoney as explain

Mr ALY asked Mr Radwan for one thouhand dollar to fly to egypt ( police report 4\10\2013)

Q-and He asked you for some money for a plane ticket .

A-no he was asking me for the money and i'm the coming Christ and you have to help me. ( N.T. 5\07\2013 P. 8-9)

" Where testimonial evidence is an issue, the sixth amendment demands ~~what common law requires~~ a proper opertunity for cross-examintion " furthermore the Constitution statue doesn't put any limition on cross-examintion fore the law grante equal right to all citizen regadles to the Court name as preliminary Hearing or location of Court as in Philadelphbyhia where the judge precced becuse Divid Lim charge Mr Aly without due process as a key stone requierment by State, Federal and Constitution law

Ms Palmer the Commonwealth Persecuter charge Mr Aly bsed on false probablele cause

***" remembers the complainant testimoney it was upsetting , it was moving, candid and ashamed "*** ( N.T. 9\12\2013 P. 16)

Ms Palmer cannot charge Mr Aly based on her feeling regadless to the rule of law as requierment in Criminal preceeding and the rule of evidence.

MS PALMER act as a Physicians by asking the Court accordance to her diagnosis if "dual diagnosis FER be appropriate ", the Judge ANHALT J. isuee order as a doctor "i'm going to make it the Mental health unit." by fact there is a Mental clinic in the basment of the Court of Common Pleas and only in the city of Philadelphbyhia out of all the Court in the United States used this illigal behaviour

**THIRD MR RADWAN Violation to rule of law**

Mr. Radwan Bikhit the complainant has given a false and contradictory testimony miss led every one involve in the case as explained as follow:

8

Mr Radwan filed a Police Complaint on Date of 4-10-2013 , location 500 n. Broad street , philadelphia , Mr Radwan statement's Stated that :

i - Mr ALY asked Mr Radwan for one thouthand dollar to fly to egypt

Q-and He asked you for some money for a plane ticket .

A-no he was asking me for the money and i'm the coming Christ and you have to help me. ( N.T. 5\07\2013 P. 8-9)

Q-----did he say why on that day he needed a thousand dollars

A---- to loan him from me. Give me a thousand dollar . ( N.T. 8\27\2013 P. 14

Q-----and he asked you for a thousand dollars to fly back to Egypt , did he

A----- No ( N.T.8\27\2013 P.19)

Q-----Do you remember giving a statement to police

A----- the same thing i said now ( N.T.8\27\2013 P.19)

**Mr Radwan change his statement's and testemoney as explain**

ii- Mr Aly aske Mr Radwan THREE TIMES before everytime a thousand dollars all deferent reasons :

A--- Ibrahim come to me **THREE TIMES** . First time he said that he's the coming Christ ( N.T. 5\07\2013 P.6)

A--- how many times prior to April 10 has he asked you for money -- **TWO TIMES** ( N.T. 8\27\2013 P 14 )

**Mr Radwan change his statement's and testemoney as explain**

iii - Mr Aly punched Mr Radwan one time in the chest not real but he bunch and then reached into his shirt and took \$ 200 .

Q ---- so, once , he never hit you or he did hit you, just yes or no sir !

A--- I dont know ( N.T. 5\07\2013 P. 7)

A--- NO respone ( N.T. 5\07\2013 P. 10)

**Mr Radwan change his statement's and testemoney as explain**

IV- POLICE DEPARTMENT INVESTIGATION REPORT dated 4\18\2013

"that" s when he punched me one time in the chest not real but he punched me he then reached into my shirt pocket and took \$200.00 out of my pocket accordance tog Mr Radwan testifying the action would take two times ,first time he punched " he punch me " and second time " he then reach into my shirt pocket and took \$ 200.00 "But in the court report He testify that "the punch was a punch and a taking of the money all at the same time". in accordance to Mr Radwan testimony that means the time of the action done in one time when he said " all at the same time " there is no then , their is no " time" ( N.T. 07, 2013 P.10 )

**Mr Radwan change his statement's and testemoney as explain**

V -Mr Radwan contradicted and falsifies his original testimony as stated in police report

A--- Mr Radwan said that **first time** Ibrahim is the comming Christ

A---the day of the incident accordance to Mr Radwan testimoney was the **third times** for Ibrahim to say that he is the comming Christ but not the first time ( N. T. MAY 07, 2013 P.8,9 )

Q----- Sir, please explain to his honor what happend that brings you in the court today!

A----- Ibrahim come to me three times, **first time he said that he's the comming Christ**

(N.T. MAY 07,2013 P.5,6)

Q---- and he asked you for some money for a plan ticket . Correct !

A---- No . He was asking me for the money and I'm the coming Christ ( N. T. MAY 07, 2013 P.8,9 )

Mr Radwan Contradect his testimony First , Third

i) \*First was the comming Christ

\*Third time also was the comming Christ like the First and no relation to police report when Mr Aly ask for \$1000 to flay

**Mr Radwan change his statement's and testemoney as explain**

Vi- in regard to Mr Radwan family allegation even it was'nt a part of the case and should not have any gravity on the case becuse it was'nt reported in police complain where the case and cause had been established based in his alegation in a complaint testimony to police about the incident ( detective GALLGHER dated 04\10\2013 )

Mr Radwan statement's dosn't bear " adequate indication of reliability and trust in accordance to his testimony in court at one point of time he said one story and in other point of time he said other story explain as fellow:

a) Mr Radwan went to Ibrahim family after the day of the insident

"I told him what bring you to me over here . And I went to his family and I asked them to keep him a way from me " ( N.T. 8\27\2013 P.14)

b) Mr Radwan went to Ibrahim family before the day of incident

"I have a question . What bring him to me after we have promise from his family that he's not supposed to get near my stand ". ( N.T. 8\27\2013 P. 17 )

c) the fact that Mr Radwan went to Ibrahim family after the day of the insident but not before becuse there was no reason for complain before the day of the insident

"Sir on the 10 th was this the first time the defendant said humiliating thing to you

Yes it was the first time." ( N.T. 8\27\2013 P.22 )

**Mr Radwan change his statement's and testemoney as explain**

Vii- Mr Radwan provide only one wrong telephone number to the judge and to public defendants Veronica William for his own witness he claim to contact so why he doesn't give the court all the three phone number, instead of wrong one "the court did the complainant give you, yes the complainant gave me a phone number i called it and it was a wrong number " (N.T, 9\12\2013 P. 4,5 )

**Mr Radwan change his statement's and testemoney as explain**

Viii- Mr Radwan said "i contact three of his family " this part of Mr Radwan tesitymoy is missing from the court report ( N.T.5\07\2013 )

**Mr Radwan change his statement's and testemoney as explain**

iX- question by MS Palmer

Q- And is your money in your left brest pocket

A- usually , I don't carry money in my pocket like that (N.T.8\27\2013 P.16 )

**Mr Radwan change his statement's and testemoney as explain**

X--- question by MS Veranica Wiliams

" don't even speak English, I cannot even go to the police station and put a report."

(N.T.8\27\2013 P.15 )

--- question by MS Sin  
" don't even speak English to call the cop "  
( N.T.5\7\2013P. 9 )

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Mr Radwan change his statement's and testimoney as explain above furthermore  
**A witness under oath commits perjury by making a statement in court or other preceeding that the witness knows is not true (18u.s. Code §1621 section 1746 tital 28 )**

FORTH

A- Municipal Court system violation to rule of law

i-the order of arrest was unconstitutional because the Municipal Court issued a Subpoena order not arrest order demanding Mr Aly appearance on the date of 4\18\2013 time : 12:58 am at the Municipal Court as instructed on the Subpoena and in accordance to Philadelphia County  
Court system only the Municipal Court has initial jurisdiction in processing every preliminary hearing for all felony cases not the bill bondCommission

ii-the Municipal Court is a limited jurisdiction court of record by statute the defendants do not have the right to a jury trial in Municipal court, cases may be appealed to the Court of Common Pleas .Mr Aly the petitioner had been charged with a serious crime, arrested, and detained , in the case # 51CR001148432913 dated May 07\2013 in the Municipal Court . If Mr Aly given the right to appeal that means the Municipal court finds Mr Aly guilty of the charges against him without the due process law which requires a prior opportunity for cross examination " right to testify " that did not happen in Mr Aly Case.

MR ALY never filed an Appeal with Common pleas Court  
iii-judge Marvin Williams J. In Municipal Court granted the entire court time to the complainant Mr Radwan to testify but what about the defendants Mr Aly is he entitled to equal rights as in weight and gravity by statute the law is designed as a safeguard against unreasonable arrest and detention , there is no law can ever strip Mr Aly from his guaranteed right to equal protection under the same law in same Court , based in Mr Radwan allegation which grants him the right to file a complaint and Mr Aly has the same equal right to defend himself against those allegations but the only question he had been asked in the end of the trial "do you understand sir that there is to be no contact whatsoever." The judge found the defendant guilty without Mr Aly opening his mouth to talk and defend himself.

"A conviction of receiving stolen property based on less than proof beyond a reasonable doubt of guilty knowledge lacks due process of law and must be reversed com. simmons 336A.2d 624,233pa super 547, 1975."

iv- Mr Aly Question to the Superior Court of Pennsylvania sitting at Philadelphia In a dispute involving a complaint and allegation without the burden of proof "evidence " and or "witness" as in my case which party has the right to the law is it the party who filed the complaint first based on timeliness or the entire have the same right and protection of the law .  
The due process of law granted equal protection and to the significance of what the fact

finder observes "guilty" or " innocent" depends on the testimony given in court . " only the truth will set you free "

vii- All the Municipal Court cases may be appealed to the Court of Common Pleas for a trial de novo, Mr Aly never filed by him or by his counsel for an appeal to the common Pleas Court,

furthermore the appeal is done automatic to that fact is a clear indication that the Municipal

Court is not separated court as the law requirement but it is a part of the Court of the Quarter Session system which abolished by the city Council in 2010 , fore if Mr Aly found guilty without the right to his six Amendment against Mr Radwan Allegation that means the Preliminary Hearing Court violated Mr Aly Constitution rights first by finding Mr Aly guilty without the right

for cross-examination as requirement granted by the Constitution .

viii- the Clerk of the Quarter Session Court had been abolished by Philadelphia City Council in 2010 ,the Common Pleas Court in violation to the law set by the Philadelphia County legislatures and their legislation by using illegal name on Mr Aly case file.

ix - Mr Aly have been instructed by the public defendants PALUA SIN that "Mr Aly doesn't have any right to object to any reference from Mr Radwan allegation in the Municipal court , Mr Aly right to objection can only be at the common pleas court. How a lawyer can defend Mr Aly right without the knowledge about the incident and Mr Radwan Allegation, Mr Aly first time to meet MS SIN at the court without any preparation to talk about his case point of view to object to any reference from Mr Radwan Allegation in violation to his six Amendment , Ms SIN doesn't have the case file, the police report investigation at Court Miss manage Mr Aly case.

#### B- Philadelphia County Court cleark system violation to rule of law

i- The court cleark in the Philadelphia County Municipal Court never mail the case file, so Mr Aly write a letter addressing the court cleark and demanding them to send his file to study the allegation in order to defend his right , the court never responds back. After Mr Aly found guilty then the new public defendants Counsel Veronica Williams mailed his file before the hearing at the common Pleas Court.

a- Violation to the Pennsylvania state Constitution requires that the the cleark of courts shall be responsible for the record ( re cambria county cleark of courts 13D & C. 3 d710 -1980 ) and ( oblakovich vs, Mc Cormic 7D.&C, 3d 590 (1970 )

b- Violation to Federal Title 28 of the United States Code U.S.C right to due process " and to be informed of the nature and cause of the accusation"

c- Violation to amendment 14 civil right us cons "in all criminal prosecution, the accused shall enjoy the right to ascertain by the law, and to be informed of the nature and cause of the accusation against them"

ii- the Municipal Court administrator limited the court duration because there was an order that Mr Aly to be held for Municipal court on May 28<sup>th</sup> ,2013 ( N.T.5\07\2013 P. 12) that court date of May 28 th, 2013 never took place and there wasn't any new or other court date from the municipal court , Mr Aly demand investigation but no one give any

attitntion to the law.

Mr Aly file a Complain about the Court administration stauff becuse the Counsel had received the completed notes of testimony on February 21, 2013 very late, did it takes 4 month to transcribed Mr Aly case from the common Pleas Court.

And the notice of appeal had been filed on october 04, 2013 and the Common Pleas judge Anhult

J. Opinion had been received on date April 2, 2014 did it takes 6 month to had a judge opinion

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#### C- Philadelphia County Common Pleas Court violation to rule of law

i- The court of the star chamber of England does not apply no longer in the United States of America since its independence July 4, 1776. The Philadelphia Municipal Court is a public Court, and Mr Aly trail is ~~a~~ Public trail neither a secret nor a privet one. The side bar discussion and conference held of the record by Judge Diana Unholt, persecutor Tracy Palmer , and public defenderer veronica Williams ( T.N.7\8\2013 P.24) violated Mr Aly grante right as a public citizen's and as a defendants, the United States Constitution never allow a secret in law, the right to know what was the side bar about it may be in faivor to Mr Aly side therfore it must be recorded by the court stenographer and become a part of the trail to be used for the future appeal.  
Judge Unholt J., in violation to United States Constitution Amendment 14 " no state may make or inforce any law that diminshes the privileges of citizen of the united state "

ii- the Court of Common Pleas granted Mr Aly the Motion for reconsideration, the hearing date set in 12, September 2013 . but judge Unholt J. Denied without a hearing , judge Anholt J. Violated Mr Aly right to the Motion and also in violation to the court perseding system , the judge can not deny what the court and the rule of law granted , Judge Anholt J. is an employee of the court and she must follow the court order for perseding first then she can issue her opinio for accepting or denying Mr Aly motion.  
the motion for reconsideration can be used only in civil procedure trail only # 208.3 (a) ~~Pennsyl vania~~ but not in a criminal trail frthermore no other county in the state of Pennsylvania except Philadelphia county use this kind of unlawful procedure.

iii- The Common Pleas Court judge Unholt J. Violated Mr Aly civil right becuse judge doesn't have any right to act as doctors, Judge Unholt J. inforce Mr Aly against his well , by ordering a supervision under a mental health unit as a part of his sentence for probation . Judge Diana I. unholt doesn't carry a state approval license to work as a doctor her job is a judge for law interpretation but not in a medical filed. The Court Judge have the power within its jurisdiction to order any citizen for medical evalution by only a doctor but can't be done by the judges  
Violation to Mr Aly right in accordance to Amendment VIII civil right United States cons.  
"Nor cruel and unusual punishments inflicted"

iii- Judge Anholt J. Violated Mr Aly civil right fore inforcing illegal controling case as a law stander in her opnion stated that " This standard of deference – is not altered in cases involving a bench trial, becuse the province of a trail judge sitting without a jury is to do what a jury is required to do " Id ( quoting Cmmw.v.Lmbert 765A. 2D 306, 302 ( pa

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.Super. Ct 2000 )

Violation to Amendment XIV section 1 cons. " no state shall make or enforce any law which shall abridge the privileges of citizens of the United States, the province is a word discribing ownership claim to small territories of land given by England King and Queen, the ruler of the land and their order was the only law without any objection that was past before the independent July 4, 1776, and word province is no longer used in America Law Dicshenary since the Civil War to outlaw the slavery, the law pass by the Congress on Jun, 19, 1862 and Lincoln sign the legislation into law fore no longer using of the word Master and Slaves, furthermore, in order to have a standard first start with unity of the same as in union of fifty states under one "law", and the deference led to outlaw the standard if there is" so many

law" fore only one standard is the Constitution law, combining with many deference control cases and millions of changing opinion. The only informal law allowed is the Union Constitution of the United States of America as One Standard statute according to weight and gravity, the Rules of law never change even the Leader Martin Luther King tried to pass civil rights law in 1964, but segregation never ended for using the word white, the color of a skin to discribe Mr Aly's race or ethnicity in the police report violated Mr Aly's civil rights as in all men created equal by maintaining the standard rules, is not I or You but it is we the people as a Constitution demand always the weight of a few as in "jury" is more weight toward right than the gravity enforcement of one opinion as in my case. The deference is the grantee freedom and the right of choice under the one standard Statute law which mandates the use of the Jury trial in all Union territories including the County of Philadelphia where the Common Pleas Court have to comply with those requirements.

iv- Mr Aly demands a jury trial as granted by the statute of the United States Constitution law, civil rights amendment VI United States cons. No court can deny a party's counsel the right to argue their cause before a jury ( *Daddona v. Third A.2d 786 pa commonwealth 2006* )

counsel Veronica Williams informed Mr Aly at jail that "the trial will be delayed, due to the long waiting list of defendants in jail who are demanding a jury trial, fore Mr Aly has to accept the bench trial or wait in jail until the new hearing date will be known by 2014, Judge Unholt J., first opinion stated that "Constitutional right to have a jury trial in this matter" ( N.T. 8/27/2013 P.6 ) contradicts to last opinion to the Superior Court dated March 31, 2014 fore inforce the bench trial on Mr Aly with out consent.

Verification of knowledge to counsel Veronica "the deference between a story where no liability under the law, but a statement's or and testimony is subject to the penalties under law, the charges is perjury or and false testimony as in Mr Aly case .

#### **FIFTH Philadelphia Defender Association violation to the rule of law**

Philadelphia Defender Association Victor Rauch Assistant Defender, Appeals Division  
Owen Larrabee, Assistant Defender, Deputy Chief Appeals Division, Karl Baker  
Assistant Defender, Chief Appeals Division and Ellen T. Greenlee in violation to council client confidentiality by furnished appellant copy to Judge Anhalt J., Mr Aly is no longer under Unholt J. Jurisdiction law and order, the case under the jurisdiction of the Superior Court. There are no mandatory by the law or by either court the lower or higher demanding all those Counsel's to furnish Mr Aly personal case information without his

consent first learn as an Attorney counsel that client case information is confidential as requirement mandate by all law.

Mr Victor Rauch in his Argument stated that " this trail evidence clearly satisfies the statutory elements of both theft by unlawful taking and receiving stolen property." even my Council persecuted his client Mr Aly insted of definding him, that his right and his is free and intital to his opnion, but Mr Victor R. missrepresent the case for not inform Mr Aly what this evidence are which let Mr Victor Rauch agree for Mr Aly convection. the Court of common Pleas ordered appellant Counsel to file a concies statement of the matters complained of on appeal pursuant to rule 1925 (b) of the pa.R.A.P. On november 5,2013. even the court in---- violation for impossing rules 1925 (b) to Mr Aly case becuse by law their is no mandatory requirment in the appel application to the Superior Court, forther the lower Court can not intervene by puting any

informent and limiation in how Mr Aly discovery of improper procedure and new pertinent issue to appel his case as granted by All law in United States of America, to decide whether the trail was conducted properly it is only up to the Appellant Court Opinion. even if the Court of Common Pleas know about the subject matter ! The Lower Court can not chalange the venue of perceeding, judgement and Dession by the Superior Court. The lord decision 1925 not only violated Mr Aly right by impossing a rules of limiation to Mr Aly case by mandating that any issue not raised in the 1925 (b) statement's shall result in waiver of that issue at the Higher Court . Judge Unhalt J., Opinion as a verdict winner and demanding that the verdict should not be disturbed on appeal but as a matter of Mr Aly right to prove his innocent and as a matter of up holing the law

" no state has any right to issue a law which deminish the citizen right as granted by the constitution "

appellant's counsel Victor Rauch requested an extension of time... becuse all the notes of testimony had not yet been transcribed. Furthermore My Council miss manage Mr Aly case becuse he never filed for 1925 (b) as a requirment by the Common Pleas Court Appellant counsel Victor Rauch filing a request to withdraw from representing Mr Aly, Counsel is intital to his right but why it takes him more than three monthes to notifay Mr Aly about his intintion ,from march 10,2014 to July 18,2014 . counsel Victor Rauch statement's stated that " Bikhit radwan was the only witness to testify for the Commonwealth "( B . Factual History Superior Court ) , the police report record indecated that " no other witnesses where present during this incident " ( police report affidavit of probable cause ) , but the Court record indecated that "to afford Mr Aly time to locate a witness" (A. Procedural History Superior Court ) if there is no witness only the Complainant and the defendants at the time of the incident then where Mr Aly will get a witness from !

Both Court granted Mr Radwan, the Complainant titel witness , the Municipal Court ( N.T 5\07\2013 P. 3 ) and the Common Pleas court (N.T 8\27\2013 P. 2 ) in violation to the law because MR Radwan Commet perjury before and in both the defendants and the complainant granted equal right , then why the Courts consider the defendants not presented as witness , Both side must be equal under the same law, the Court cannot't favor only one side under the eye of the justice law

The Simple Assault charge must be lifted, it has been actual in the Court of Common Pleas

ice in federal Court charged  
ice, Deparment of Immigration  
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Heldant b  
witness